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Senate

The Senate met at 11:59 a.m. and was called to order by the Honorable ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, strength for those who seek You, hope for those who trust You, courage for those who rely on You, peace for those who follow You, wisdom for those who humble themselves before You, and power for those who seek to glorify You, we begin this new week filled with awesome responsibilities and soul-sized issues and confess our need for You. We are irresistibly drawn into Your presence by the magnetism of Your love and by the magnitude of challenges we face. Our desire to know Your will is motivated by Your greater desire to help us. We thank You for the women and men of this Senate. Bless them as they debate the resolution on war with Iraq. Help them maintain a spirit of unity as they press on with honest, open discussion and come to a conclusion which is best for our Nation and the world. You are our Lord and Saviour. Amen

PLEDGE OF ALLEGIANCE

The Honorable ERNEST F. HOLLINGS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 7, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. HOLLINGS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada, the acting majority leader, is recognized.

SCHEDULE

Mr. REID. Mr. President, under the order that is now before the Senate, the Chair will shortly announce morning business for half an hour on both sides, with the Democrats controlling the first half.

ORDER OF PROCEDURE

As a courtesy to the Senator from Pennsylvania, Mr. SPECTER, we are going to extend the morning business on both sides for an extra 15 minutes, so it will be 45 minutes on both sides, with the first 15 minutes of time of the majority under the control of Senator KENNEDY, and the second half hour under the control of Senator WYDEN. At approximately 12:50, or whenever the minority begins their morning business time, the Senator from Pennsylvania, Mr. SPECTER, will be recognized for the first half hour, and I ask unanimous consent for this time agreement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I further say in light of this agreement, morning

business will extend until approximately 1:45, at which time the Senate will resume consideration of S.J. Res. 45, with the time until 4 p.m. equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 15 minutes each.

I hope Senators will recognize they do not have the rest of this month to speak on Iraq. The time is now for Senators to do that. We ask they do so as quickly as possible, and limit their speeches to 15 minutes.

Mr. SPECTER. May I seek a point of clarification. This Senator has 30 minutes starting at 12:50?

Mr. REID. Approximately 12:50.

The majority leader asked me to announce there will be no votes today.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

IRAQ

Mr. KENNEDY. Mr. President, we face no more serious decision in our democracy than whether or not to go to war. The American people deserve to fully understand all of the implications of such a decision.

The question of whether our Nation should attack Iraq is playing out in the context of a more fundamental debate that is only just beginning—an all-important debate about how, when and where in the years ahead our country will use its unsurpassed military might.

On September 20, the administration unveiled its new National Security Strategy. This document addresses the new realities of our age, particularly the proliferation of weapons of mass destruction and terrorist networks armed with the agendas of fanatics. The Strategy claims that these new threats are so novel and so dangerous that we should “not hesitate to act

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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alone, if necessary, to exercise our right of self-defense by acting preemptively."

In the discussion over the past few months about Iraq, the administration, often uses the terms "pre-emptive" and "preventive" interchangeably. In the realm of international relations, these two terms have long had very different meanings.

Traditionally, "pre-emptive" action refers to times when states react to an imminent threat of attack. For example, when Egyptian and Syrian forces mobilized on Israel's borders in 1967, the threat was obvious and immediate, and Israel felt justified in preemptively attacking those forces. The global community is generally tolerant of such actions, since no nation should have to suffer a certain first strike before it has the legitimacy to respond.

By contrast, "preventive" military action refers to strikes that target a country before it has developed a capability that could someday become threatening. Preventive attacks have generally been condemned. For example, the 1941 sneak attack on Pearl Harbor was regarded as a preventive strike by Japan, because the Japanese were seeking to block a planned military buildup by the United States in the Pacific.

The coldly premeditated nature of preventive attacks and preventive wars makes them anathema to well-established international principles against aggression. Pearl Harbor has been rightfully recorded in history as an act of dishonorable treachery.

Historically, the United States has condemned the idea of preventive war, because it violates basic international rules against aggression. But at times in our history, preventive war has been seriously advocated as a policy option.

In the early days of the cold war, some U.S. military and civilian experts advocated a preventive war against the Soviet Union. They proposed a devastating first strike to prevent the Soviet Union from developing a threatening nuclear capability. At the time, they said the uniquely destructive power of nuclear weapons required us to rethink traditional international rules.

The first round of that debate ended in 1950, when President Truman ruled out a preventive strike, stating that such actions were not consistent with our American tradition. He said, "You don't 'prevent' anything by war . . . except peace." Instead of a surprise first strike, the nation dedicated itself to the strategy of deterrence and containment, which successfully kept the peace during the long and frequently difficult years of the Cold War.

Arguments for preventive war resurfaced again when the Eisenhower administration took power in 1953, but President Eisenhower and Secretary of State John Foster Dulles soon decided firmly against it. President Eisenhower emphasized that even if we were to win such a war, we would face the vast bur-

dens of occupation and reconstruction that would come with it.

The argument that the United States should take preventive military action, in the absence of an imminent attack, resurfaced in 1962, when we learned that the Soviet Union would soon have the ability to launch missiles from Cuba against our country. Many military officers urged President Kennedy to approve a preventive attack to destroy this capability before it became operational. Robert Kennedy, like Harry Truman, felt that this kind of first strike was not consistent with American values. He said that a proposed surprise first strike against Cuba would be a "Pearl Harbor in reverse."

For 175 years, [he said] we have not been that kind of country.

That view prevailed. A middle ground was found and peace was preserved.

Yet another round of debate followed the Cuban Missile Crisis when American strategists and voices in and out of the administration advocated preventive war against China to forestall its acquisition of nuclear weapons. Many arguments heard today about Iraq were made then about the Chinese communist government: that its leadership was irrational and that it was therefore undeterrable. And once again, those arguments were rejected.

As these earlier cases show, American strategic thinkers have long debated the relative merits of preventive and pre-emptive war. Although nobody would deny our right to preemptively block an imminent attack on our territory, there is disagreement about our right to preventively engage in war.

In each of these cases a way was found to deter other nations, without waging war.

Now, the Bush Administration says we must take pre-emptive action against Iraq. But what the Administration is really calling for is preventive war, which flies in the face of international rules of acceptable behavior.

There is no doubt that Saddam Hussein is a despicable dictator and that he must be disarmed. But the Administration has not made a persuasive case that the threat is so imminent that we should risk going it alone. We should resort to war only as a last resort. If we work through the United Nations for free, unfettered inspections, we strengthen our hand with our allies, our hand against Saddam Hussein and our ability to disarm him.

The Administration's new National Security Strategy states "As a matter of common sense and self-defense, America will act against such emerging threats before they are fully formed."

The circumstances of today's world require us to rethink this concept. The world changed on September 11, and all of us have learned that it can be a drastically more dangerous place. The Bush administration's new National Security Strategy asserts that global realities now legitimize preventive war and make it a strategic necessity.

The document openly contemplates preventive attacks against groups or states, even absent the threat of imminent attack. It legitimizes this kind of first strike option, and it elevates it to the status of a core security doctrine. Disregarding norms of international behavior, the Bush strategy asserts that the United States should be exempt from the rules we expect other nations to obey.

I strongly oppose any such extreme doctrine and I'm sure that many others do as well. Earlier generations of Americans rejected preventive war on the grounds of both morality and practicality, and our generation must do so as well. We can deal with Iraq without resorting to this extreme.

It is impossible to justify any such double standard under international law. Might does not make right. America cannot write its own rules for the modern world. To attempt to do so would be unilateralism run amok. It would antagonize our closest allies, whose support we need to fight terrorism, prevent global warming, and deal with many other dangers that affect all nations and require international cooperation. It would deprive America of the moral legitimacy necessary to promote our values abroad. And it would give other nations—from Russia to India to Pakistan—an excuse to violate fundamental principles of civilized international behavior.

The administration's doctrine is a call for 21st century American imperialism that no other nation can or should accept. It is the antithesis of all that America has worked so hard to achieve in international relations since the end of World War II.

This is not just an academic debate. There are important real world consequences. A shift in our policy toward preventive war would reinforce the perception of America as a "bully" in the Middle East and would fuel anti-American sentiment throughout the Islamic world and beyond.

It would also send a signal to governments the world over that the rules of aggression have changed for them too, which could increase the risk of conflict between countries such as Russia and Georgia, India and Pakistan, and China and Taiwan.

Obviously, this debate is only just beginning on the administration's new strategy for national security. But the debate is solidly grounded in American values and history.

It will also be a debate among vast numbers of well-meaning Americans who have honest differences of opinion about the best way to use United States military might. The debate will be contentious, but the stakes, in terms of both our national security and our allegiance to our core beliefs, are too high to ignore.

I look forward to working closely with my colleagues in Congress to develop an effective, principled policy that will enable us to protect our national security, and respect the basic

principles that are essential for the world to be at peace.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

(The remarks of Mr. WYDEN and Mr. HATCH pertaining to the introduction of S. 3063 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I have sought recognition, as noted, to discuss the pending resolution. At the outset, I commend the President for coming to Congress. Originally the position had been articulated by the White House that congressional authority was not necessary. The President, as Commander in Chief, has the authority under the Constitution to act in cases of emergency. But if there is time for discussion, deliberation, and debate, then in my view it is a matter for the Congress.

Senator HARKIN and I introduced a resolution on July 18 of this year calling for the President to come to Congress before using military force.

When the President made his State of the Union speech and identified the axis of evil as Iran, Iraq, and North Korea, followed by the testimony of Secretary of State Powell that there was no intention to go to war against either North Korea or Iran, it left the obvious inference that war might be in the offing as to Iraq.

I spoke extensively on the subject back on February 13, 2002, raising a number of issues: What was the extent of Saddam Hussein's control over weapons of mass destruction? What would it cost by way of casualties to topple Saddam Hussein? What would be the consequence in Iraq? Who would govern after Saddam was toppled? What would happen in the region, the impact on the Arab world, and the impact on Israel? I believe it is vastly preferable on our resolution to focus on the question of weapons of mass destruction as opposed to the issue of regime change. When we talk about regime change, there is a sense in many other nations that the United States is seeking to exert its will on another sovereign nation. Much as Saddam Hussein deserves to be toppled, when we move away from the focus of containing weapons of mass destruction, it is my view we lose a great deal of our moral authority.

There is no doubt Saddam Hussein has been ruthless in the use of weapons of mass destruction with the use of chemicals on his own people, the Kurds, and in the Iran-Iraq war. There is very substantial evidence Saddam Hussein has storehouses of biological weapons, and there is significant evidence he is moving as fast as he can toward nuclear weapons. So when we talk about self-defense, when we talk about ridding the world of the scourge, that

is a very high moral ground. When we talk about regime change, it raises the concern of many leaders of many nations as to who is next—maybe they are next.

I suggest it is possible to achieve regime change in a way superior to articulating or planning an attack with the view to toppling Saddam Hussein. I believe the way to achieve regime change, consistent with international principles, is to try Saddam Hussein as a war criminal. I introduced a resolution on March 2, 1998, which was passed by the U.S. Senate on March 13, 1998, calling for the creation of a military tribunal, similar to the war crimes tribunal at The Hague, similar to the war crimes tribunal in Rwanda, so that Saddam Hussein could be tried as a war criminal. There is no doubt on the evidence available that Saddam Hussein has committed war crimes. Without going into all of the details set forth in the resolution, I ask unanimous consent that it be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Herein, there is a very ample statement for the basis for trying Saddam Hussein and trying him successfully as a war criminal. In doing that, we would be following the precedent of trying former Yugoslavian President Milosevic as a war criminal. I have made some seven visits to The Hague and have participated in marshaling U.S. resources from the Department of Justice, also specifically from the FBI, also from the CIA during the 104th Congress back in 1995 and 1996, when I was chairman of the Intelligence Committee; and we now see the head of state, Slobodan Milosevic, on trial.

We had the experience of the war crimes tribunal in Rwanda, which achieved an international precedent in convicting former Prime Minister Jean Kambanda of Rwanda, the first head of state to be convicted. He is now serving a life sentence.

So it is my suggestion that the objective of regime change can be accomplished in accordance with existing international standards, on a multilateral basis, without having other nations in the world saying the superpower United States is trying to throw its weight around. It might take a little longer, but as is evidenced from the proceedings in Rwanda as to the former Prime Minister of Rwanda, and as evidenced from the proceedings of Milosevic, that is an ordinary successful progress of the law. The most difficult issue pending on the resolutions as to the use of force on Iraq, the most difficult issue, in my opinion, is the question of whether the United Nations authorizes the use of force.

I commend the President for his efforts to organize an international coalition. President George Herbert Walker Bush did organize an international coalition in 1991, and prosecuted the

war against Iraq with great success, enlisting the aid of the Arab nations, including Egypt, Syria, and other countries. That is the preferable way to proceed, if it can be accomplished.

The obvious difficulty in conditioning the President's authority to use force on a United Nations resolution is the United States would be subjecting itself to the veto by either China, or Russia, or even France, and we prize our sovereignty very highly—justifiably so. The conundrum, then, is whether we will get that kind of an international coalition that would have the weight of world public opinion, would have the weight of the U.N. behind them.

The difficulties of having the United States act alone would be the precedent that would be set. It could be a reference point for China, for example, looking at Taiwan, where China has made many bellicose warlike statements as to its disagreements with Taiwan. If the United States can act unilaterally, or without United Nations sanction, there would be a potential argument for a country like China proceeding as to Taiwan. There would be a potential argument for a nation like India proceeding as to Pakistan, or vice versa, Pakistan proceeding as to India, which could be a nuclear incident. Both of those countries have nuclear power.

This is a question I believe has to be debated on the floor of the U.S. Senate. I have not made up my mind as to whether it is preferable to condition the use of force on a United Nations resolution, and I am cognizant of the difficulties of giving up sovereignty and being subject to the veto of China, which I don't like at all, or being subject to the veto of Russia, which I don't like at all, or being subject to the veto of France, again something I do not like. But I think we have to recognize when we are authorizing the use of force, and if the President takes the authorization and is not successful going to the U.N. to get a coalition, we will be establishing a precedent that may have ramifications far into the future, at some point in time when the United States may not be the superpower significantly in control of the destiny of the world with our great military power.

I am glad to see the President is moving ahead with an effort to get inspections in the United Nations, and Secretary of State Powell met last Friday with the U.N. inspection chief, who agreed there ought to be broader authority for the U.N. inspection than that which was in place in 1998 when Iraq ousted the U.N. inspectors. Hans Blix supported the position the United States has taken. Yesterday, on a Sunday talk show, the Iraqi Ambassador to the U.N. made a comment to the effect there was no huge problem on having U.N. inspectors come, even to the Presidential compounds.

That is probably a typical Iraqi statement: holding out an offer one day

and revoking it the next. I do believe it is important that we exhaust every possible alternative before resorting to the use of our armed forces, and to have the inspectors go back into Iraq is obviously desirable. We must have the inspectors, though, go into Iraq in a context where there are no holds barred.

In August, Senator SHELBY and I visited the Sudan. The Sudan is now interested in becoming friendly with the United States. Our former colleague, Senator Jack Danforth, has brokered the basic peace treaty which still has to be implemented in many respects. But as a part of the new Sudanese approach, the Government of Sudan has allowed U.S. intelligence personnel to go to Sudanese factories, munitions plants, and laboratories with no announcement or minimal announcement of just an hour, break locks, go in, and conduct inspections. That would be a good model for the inspection of Iraq. If, in fact, the Iraqis will allow unfettered, unlimited inspections, it is conceivable that would solve the problem with respect to the issue of weapons of mass destruction.

Certainly that ought to be pursued to the maximum extent possible. If, and/or when the Iraqis oust the U.N. inspectors or limit the U.N. inspectors, raising again the unmistakable inference that Saddam Hussein has something to hide, then I think there is more reason to resort to force as a last alternative and, in that context, a better chance to get other countries, perhaps countries even in the Arab world, to be supportive of the use of force against Iraq at the present time as they were in the gulf war in 1991.

Extensive consideration has to be given, in my judgment, to the impact on the Arab world. Egyptian President Mubarak has been emphatic in his concern as to what the impact will be there. So we ought to make every effort we can to enlist the aid of as many of the nations in the Arab world as possible.

If Saddam Hussein rebuffs the United Nations, again raising the unmistakable inference that he has something to hide, then I think the chances of getting additional allies there would be improved.

With respect to the situation with Israel, there is, again, grave concern that a war with Iraq will result in Scud missiles being directed toward Israel. Some 39 of those Scud missiles were directed toward Israel during the gulf war. Their missile defense system was not very good. Now we know that Israel has the Arrow system, but still all of Israel is not protected. The Arrow system has not been adequately tested.

In the gulf war in 1991, the Israeli Prime Minister Yitzhak Shamir honored the request of President Bush not to retaliate. It is a different situation at the present time with Israeli Prime Minister Sharon having announced if Israel is attacked, Israel will not sit back again.

When former National Security Adviser Brent Scowcroft published a very erudite op-ed piece in the Wall Street Journal in August, he raised the grave concern that with Israeli nuclear power, there could be an Armageddon in the Mideast. Former National Security Adviser Brent Scowcroft was advising caution; that we ought not proceed without exhausting every other alternative.

A similar position was taken by former Secretary of State James Baker in an op-ed piece, again in August, in the New York Times urging that inspections be pursued as a way of possibly avoiding a war.

DELEGATION OF CONGRESSIONAL AUTHORITY

Mr. SPECTER. Mr. President, one other issue is of concern to me, and that is the question of delegation of congressional authority to the President. The constitutional mandate—and I spoke to this subject last Thursday and will not repeat a good bit of what I said—but the doctrine of separation of powers precludes the Congress from delegating its core constitutional authority to the executive branch.

I had occasion to study that subject in some detail on the question of the delegation of congressional authority on base-closing commissions. There is a substantial body of authority on the limitations of the delegation of congressional authority.

In an extensive treatise by Professor Francis Wormuth, professor of political science at the University of Utah, and Professor Edwin Firmage, professor of law at the University of Utah, the historical doctrines were reviewed leading to a conclusion that the Congress may not delegate the authority to engage in war.

If we authorize the President to use whatever force is necessary, that contemplates future action. While no one is going to go to court to challenge the President's authority, that is of some concern, at least to this Senator.

I discount the argument of those who say that regime change of Saddam Hussein is motivated by the failure to finish the job in 1991 or Saddam's efforts to assassinate President Bush, the elder. While it is true that Vice President CHENEY and Secretary of State Powell were principal participants as Secretary of Defense and as Chairman of the Joint Chiefs of Staff on the decision not to march to Baghdad in 1991, their experience benefits the United States in this current situation.

I further discount the argument that President George W. Bush seeks to correct any mistakes of his father or that it is a personal matter, as some have argued, from his comment: The guy tried to kill my dad. I am not unaware of the psychologist's contentions that motives are frequently mixed and hard to sort out, but I do think our Nation is fortunate to have the leadership of President Bush, Vice President CHE-

NEY, and Secretary Powell at this perilous time.

I have been briefed by administration officials on a number of occasions, and I am looking forward to another briefing tomorrow by National Security Adviser Condoleezza Rice and CIA Director George Tenet.

There is substantial information about the weapons of mass destruction which Saddam Hussein has available, but I am interested in knowing with greater precision, to the extent that the administration can release it, the situation with regard to Saddam's efforts to develop nuclear weapons.

In evaluating the time when preemptive action may be used, Secretary of State Daniel Webster, in dealing with the so-called Caroline incident, in 1837, when British troops attacked and sank an American ship, then-Secretary of State Webster made a point that an intrusion into the territory of another State can be justified as an act of self-defense only in those:

Cases in which the necessity of that self-defense is instant, overwhelming and leaves no choice of means and no moment of deliberation.

It is very relevant, on an evaluation of meeting that goal, as to just where Iraq stands on the weapons of mass destruction. In previous briefings, I have sought the administration plan as to what will be done after Saddam Hussein is toppled, and I think that is an area where a great deal more thought needs to be given. The situation in Iraq would obviously be contentious, with disputes between the Sunnis and the Shi'ites, with the interests of the Kurds in an independent state, and it means a very long-term commitment by the United States.

We know the problems we have in Afghanistan. Iraq has to defray some of the costs, but what happens after Saddam Hussein is toppled has yet to be answered in real detail.

On the issue of a battle plan, perhaps that is too much for the administration to tell the Congress, but as a Senator representing 12 million Pennsylvanians, in a country of 280 million Americans, I think we ought to have some idea as to how we are going to proceed and what the casualties may be.

All of this is to say there are many questions and many issues to be considered. The predictions are numerous that the Congress of the United States will pass a resolution authorizing the use of force by an overwhelming majority. I am not prepared to disagree with that. And on a proper showing of the imminence of problems with Saddam Hussein and on a proper showing that this is the last recourse, my vote may well be cast with the administration as well. But I am interested in hearing debate on the floor of the Senate as to the relative merits of requiring U.N. multilateral action as a condition for the use of force, contrasted with U.S. unilateral action.

If we require U.N. multilateral action, we do subject ourselves to the

veto of France, China, and Russia, which is undesirable. If we authorize the use of force unilaterally by the President, then we may well be setting a precedent which could come back to haunt us with nations such as China going after Taiwan or a nation such as India or Pakistan going after the other.

I look forward to the additional briefing tomorrow, and I look forward to the debate which we will be having on the Senate floor on these very important issues.

I note that the distinguished President pro tempore has come to the floor. While this is not prearranged and I have not given him any warning—although I do not think Senator BYRD needs any warning on constitutional issues—I would be interested in the views of the Senator from West Virginia, if he cares to give them, on this issue of delegation of authority.

Earlier in my presentation, as I said last Thursday, I talked about this issue and referred to the treatise by Professors Wormuth and Firmage of the University of Utah where in a chapter devoted to the delegation of the war power the professors say:

That Congress may not transfer to the executive . . . functions for which Congress itself has been made responsible. Of course, the power to declare war is a core congressional responsibility.

Chief Justice Marshall said—and I am leaving out some of the irrelevant parts—it will not be contended Congress can delegate powers which are exclusively legislative. And Hamilton argued in the *Federalist* to the effect that it is impossible for Congress to enact governing standards for launching future wars and, thus, spoke about the impermissibility of delegating the power to declare war.

The treatise notes the prohibition against the delegation of such power:

To initiate a war in a future international environment in which significant details, perhaps even major outlines, change from month to month or even from day to day. The posture of international affairs of the future cannot be known to Congress at the time the resolution is passed.

According to Henry Clay, a great Senator, the Constitution requires that Congress itself appraise the immediate circumstances before the Nation voluntarily enters into a state of war.

Clay's argument went beyond that. He argued that:

Congress itself cannot make a declaration of a future war dependent upon the occurrence of stipulated facts, because war is an enterprise in which all the contemporary circumstances must be weighed.

If we adopt the resolution, we will be saying that the President has the authority to use force, and that will be a decision which the President will make in futuro—some time in the future.

I am interested in the views of my distinguished colleague from West Virginia as to whether that is an unconstitutional or constitutional delegation of Congress' authority to declare war.

The PRESIDING OFFICER (Mrs. LINCOLN). The Senator from West Virginia.

Mr. BYRD. The distinguished Senator from Pennsylvania does me great honor in making his inquiry. I am not prepared to respond at the moment. I would be interested in reading the treatise by the persons named.

I might suggest that the Supreme Court, in its recent decision with reference to the line-item veto, strongly indicated that Congress cannot cede its powers under the Constitution.

I believe the court in that instance was alluding to certain powers over the purse.

This is a good question the distinguished Senator has posed. Based on his wide and rich experience as a prosecuting attorney, I think such questions as he raised are worthy of our attention. I would certainly want to be better prepared than I am at this moment to attempt to deal with the particular question he has asked. I thank him for his statement. I have been listening to his statement from my office. He raises serious questions which ought to be answered, ought to be debated.

I think we are hurrying too fast into this situation. I, as the Senator from Pennsylvania, have heard all of these predictions as to how fast the Senate and House will act. It may be that the train has gathered such momentum it will not be possible to slow it down, but I hope and pray this decision can be put off until after the election. I think it is too grave a decision. I think our fighting men and women need to be shown much greater regard than this, that we would not rush into having a vote on this resolution before it is adequately debated and amended.

I view with great concern the judgment that history will make of us for rushing into this decision, as we seem to be doing. I am concerned that Members of both Houses will have their decision tainted by the fact that it is going to be rendered in an atmosphere that is supercharged with politics. I have always had a great deal of confidence in the Senator from Pennsylvania, Mr. SPECTER. He is not one to be rushed or stampeded into making a decision. He always asks questions. He has the courage, the conviction, to stand up and state his principles and ask questions. That is what I hear him doing now. I am sorry I cannot respond to the questions the Senator posed, but I am glad to have this opportunity to make the comment about the Senator from Pennsylvania and what he is doing today, the questions he is asking.

Mr. SPECTER. Madam President, I thank my distinguished colleague from West Virginia for his response. I have raised quite a number of questions in the presentation I have made today. I am prepared to honor the President's request that we vote on this matter before we adjourn, but I think we ought to take the time to debate that need. There are a great many questions to be answered.

I look forward to having more of our colleagues on the floor. We were sched-

uled to go to this resolution at 1 p.m. today, and it is now 1:23. These issues about where the inspections are going to lead are important. These questions about the ramifications of acting alone are important. We do not want to repeat the mistakes of not going after bin Laden, as we had good cause to prior to 9/11.

We accused the generals of always fighting the last war. We have learned a bitter lesson from September 11, and we had cause to act in advance. We have to ask all this.

There is another issue I mention briefly before concluding, and that is the difference in language between the 1991 resolution, which says the President is authorized to use the Armed Forces in order to achieve the implementation of Security Council resolutions, and contrast it with the language of the two resolutions which are now pending, the resolution introduced by Senator LIEBERMAN and another resolution introduced by Senators DASCHLE and LOTT which say the President is authorized to use all means he determines to be appropriate.

"All means that the President deems to be appropriate" is a subjective standard, which is different from the authority which the Congress gave President Bush in 1991, saying the President is authorized to use the U.S. Armed Forces in order to achieve implementation of Security Council resolutions, which we call in the law "objective standard" as opposed to subjective standard.

When we have other Senators on the floor, I will look for an opportunity to discuss this and to have a clarification as to what is meant here.

I thank the Chair. I thank my colleague from West Virginia.

EXHIBIT 1

S. CON. RES. 78

Whereas the International Military Tribunal at Nuremberg was convened to try individuals for crimes against international law committed during World War II;

Whereas the Nuremberg tribunal provision which held that "crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced" is as valid today as it was in 1946;

Whereas, on August 2, 1990, and without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

Whereas the Charter of the United Nations imposes on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state";

Whereas the leaders of the Government of Iraq, a country which is a member of the United Nations, did violate this provision of the United Nations Charter;

Whereas the Geneva Convention Relative to the Protection of Civilian Persons in Times of War (the Fourth Geneva Convention) imposes certain obligations upon a belligerent State, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict;

Whereas both Iraq and Kuwait are parties to the Fourth Geneva Convention;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwaiti civilians to physical coercion, suffering and extermination in order to obtain information;

Whereas in violation of the Fourth Geneva Convention, from January 18, 1991, to February 25, 1991, Iraq did fire 39 missiles on Israel in 18 separate attacks with the intent of making it a party to war and with the intent of killing or injuring innocent civilians, killing 2 persons directly, killing 12 people indirectly (through heart attacks, improper use of gas masks, choking), and injuring more than 200 persons;

Whereas Article 146 of the Fourth Geneva Convention states that persons committing "grave breaches" are to be apprehended and subjected to trial;

Whereas, on several occasions, the United Nations Security Council has found Iraq's treatment of Kuwaiti civilians to be in violation of international law;

Whereas, in Resolution 665, adopted on August 25, 1990, the United Nations Security Council deplored "the loss of innocent life stemming from the Iraq invasion of Kuwait";

Whereas, in Resolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further "the treatment by Iraqi forces on Kuwait nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait";

Whereas, in Resolution 674, the United Nations Security Council demanded that Iraq cease mistreating and oppressing Kuwaiti nationals in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

Whereas Iraq is a party to the Prisoners of War Convention and there is evidence and testimony that during the Persian Gulf War, Iraq violated articles of the Convention by its physical and psychological abuse of military and civilian POW's including members of the international press;

Whereas Iraq has committed deliberate and calculated crimes of environmental terrorism, inflicting grave risk to the health and well-being of innocent civilians in the region by its willful ignition of 732 Kuwaiti oil wells in January and February, 1991;

Whereas President Clinton found "compelling evidence" that the Iraqi Intelligence Service directed and pursued an operation to assassinate former President George Bush in April 1993 when he visited Kuwait;

Whereas Saddam Hussein and other Iraqi officials have systematically attempted to destroy the Kurdish population in Iraq through the use of chemical weapons against civilian Kurds, campaigns in 1987-88 which resulted in the disappearance of more than 182,000 persons and the destruction of more than 4,000 villages, the placement of more than 10 million landmines in Iraqi Kurdistan, and ethnic cleansing in the city of Kirkuk;

Whereas the Republic of Iraq is a signatory to international agreements including the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and the POW Convention, and is obligated to comply with these international agreements;

Whereas section 8 of Resolution 687 of the United Nations Security Council, adopted on April 3, 1991, requires Iraq to "uncondition-

ally accept the destruction, removal, or rendering harmless, under international supervision of all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities";

Whereas Saddam Hussein and the Republic of Iraq have persistently and flagrantly violated the terms of Resolution 687 with respect to elimination of weapons of mass destruction and inspections by international supervisors;

Whereas there is good reason to believe that Iraq continues to have stockpiles of chemical and biological munitions, missiles capable of transporting such agents, and the capacity to produce such weapons of mass destruction, putting the international community at risk;

Whereas, on February 22, 1993, the United Nations Security Council adopted Resolution 808 establishing an international tribunal to try individuals accused of violations of international law in the former Yugoslavia;

Whereas, on November 8, 1994, the United Nations Security Council adopted Resolution 955 establishing an international tribunal to try individuals accused of the commission of violations of international law in Rwanda;

Whereas more than 70 individuals have faced indictments handed down by the International Criminal Tribunal for the former Yugoslavia in the Hague for war crimes and crimes against humanity in the former Yugoslavia, leading in the first trial to the sentencing of a Serb jailer to 20 years in prison;

Whereas the International Criminal Tribunal for Rwanda has indicted 31 individuals, with three trials occurring at present and 27 individuals in custody;

Whereas the United States has to date spent more than \$24 million for the International Criminal Tribunal for the Former Yugoslavia and more than \$20 million for the International Criminal Tribunal for Rwanda;

Whereas officials such as former President George Bush, Vice President Al Gore, General Norman Schwarzkopf and others have labeled Saddam Hussein a war criminal and called for his indictment; and

Whereas a failure to try and punish leaders and other persons for crimes against international law establishes a dangerous precedent and negatively impacts the value of deterrence to future illegal acts: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the President should—

(1) call for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials;

(2) call for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials who are responsible for crimes against humanity, genocide, and other violations of international law; and

(3) upon the creation of such an international criminal tribunal seek the reprogramming of necessary funds to support the efforts of the tribunal, including the gathering of evidence necessary to indict, prosecute and imprison Saddam Hussein and other Iraqi officials.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. What is the parliamentary situation?

The PRESIDING OFFICER. The majority has 2 minutes 41 seconds remaining in morning business, and the minority has 7 minutes remaining.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. If there is no further business, morning business is closed.

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S.J. Res. 45, which the clerk will report.

The bill clerk read as follows:

A resolution (S.J. Res. 45) to authorize the United States Armed Forces against Iraq.

The PRESIDING OFFICER. Under the previous order, the time until 4 p.m. shall be equally divided and controlled between the two leaders or their designees with Senators permitted to speak therein for up to 15 minutes each.

Mr. BYRD. I ask unanimous consent I may have an additional 5 minutes over the 15.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, tonight at 8:00 p.m., President Bush will make a televised address to speak to the Nation about the threat of Iraq. According to press reports from this weekend, the President is expected to lay out, in detail, his case against Saddam Hussein, including the repressive dictator's long history of violence and aggression.

There is no disagreement about the character of Saddam Hussein, neither on Capitol Hill nor in the minds of every American. But while the President continues to make his case against Saddam Hussein, the issue on the minds of Senators and our constituents is, what exactly is the United States planning to do?

Rather than hearing more about Saddam Hussein—we know enough about him—what we need to hear from the President are answers to our questions about what he plans to do in Iraq. We need to know why the President is demanding that we act now. We need to have some idea of what we are getting ourselves into, what the costs and consequences may be, and what the President is planning to do after the fighting has stopped. After Iraq. After Saddam Hussein. It is not unpatriotic to ask these questions, especially when they are already on the minds of all Americans.

Why now? Those two little words: Why now?

Why now? What has changed in the last year, 6 months, or 2 weeks that would compel us to attack now?

Is Iraq on the verge of attacking the United States? If so, should our homeland security alert be elevated? Shouldn't the President be spending more time with his military advisors in Washington, instead of making campaign speeches all over the country?

The media reports suggest that the administration does not plan to act

until February. Why is the President telling Congress it has to act before the elections? Why are our own leaders telling us we have to act before the elections.

What are we signing up for?

We are about to give the President a blank check to deal with Iraq however he sees fit. What exactly is he planning to do with this power?

Does the President have clear objectives for this war? Does he want to disarm Saddam Hussein, or remove him from power?

When might the fighting end? What conditions must be met before the President would determine that the war is over?

The President has said several times that he wants to use force in order to bring Iraq into compliance with its international obligations. Why is he then demanding that Congress go even further and give him a blank check that would give him the power to commit our country to years or even decades of bloody war without the support of our allies?

We have already given the President a blank check to deal with al-Qaida, which he used to invade and occupy Afghanistan. Does the President plan to fight these two wars separately, or will the President combine them into a broader regional campaign?

What will be the costs of this war?

How many troops will be involved? Will we exercise the heavy ground option or will we exercise the heavy air option? Or might we exercise both options? How many reservists will have to leave their jobs to serve in uniform?

Will they be fighting door-to-door combat in downtown Bagdad?

Do our troops have adequate protection against the chemical and biological weapons that Saddam Hussein might employ?

How many American casualties is the Department of Defense anticipating in case the heavy ground option is utilized? How many American casualties is the Department of Defense anticipating?

In addition to the cost in blood, war is also a drain on the national treasury. How much will it cost to fight this war and to maintain an occupation force? Larry Lindsey said it would cost \$100 billion to \$200 billion, talking about this war and what it would cost. One hundred to two hundred billion dollars, and he said: That's nothing. During the Gulf War, our allies contributed \$54 billion of the \$61 billion cost of the war. Leaving the United States holding the bag for roughly \$7 billion, a little over \$7 billion out of the \$61.1 billion total. Will our allies give us financial assistance in this war? Has anyone been asking them to divvy it up, to help pay the financial cost, or do we plan to shoulder it all?

Do we have the resources to care for our injured and sick veterans when they return from Iraq? Are our hospitals in this country prepared for that event?

Will there be other consequences to a war with Iraq?

How will the war against Iraq affect the fight against terrorism? How many of us will feel safer here in this country at night, when the shades of evening fall? How many of us will feel safer, once an attack against Iraq is launched? Will National Guard troops be removed from important homeland security missions in the United States?

If we act without the approval of the international community, what happens to the international cooperation in the war on terror we worked so hard to foster after 9/11?

How will a war between the United States and Iraq affect regional stability in the Middle East?

What will we do if Iraq attacks Israel? Can we persuade Israel to stay out of the war, or will we just stand by and watch them join in the fighting?

Are we putting more moderate regimes in the Middle East at risk, like Jordan, or Pakistan, which already has nuclear weapons. If a more radical government takes over in Pakistan, are we prepared to act there as well?

What happens after the war?

Who will govern a defeated Iraq?

How long will our troops be expected to occupy Iraq?

Do we expect Iraqis to rise up against Saddam Hussein, or take arms against us?

What plans do we have to prevent Iraq from breaking up and descending into civil war?

How can we contain the instability that will likely result in the north of Iraq that may threaten Turkey, our friend and NATO ally? Are we giving any thought to this? Is anybody in the administration giving thoughts to this question?

In his weekend radio address, the president told us that:

should force be required to bring Saddam to account, the United States will work with other nations to help the Iraqi people rebuild and form a just government.

What does he mean by that? Is the President advocating a new Marshall Plan for the Middle East? Are the American people ready to make that kind of long-term regional commitment?

How much will the American taxpayer pay to rebuild Iraq? How much will our allies pay? If the United States should act alone in attacking Iraq, can we really expect the rest of the world to help rebuild Iraq after the war? Have any other countries committed to assisting in these peacekeeping duties? If so, how many? Can we afford to rebuild Iraq and Afghanistan at the same time? We may have to rebuild Israel as well.

I have a lot of questions. The American people have a lot of questions. But apparently the American people are not going to be asked. They are not going to be given the opportunity to ask their questions.

We are going to be stampeded and rushed pellmell into a showdown right

here in the Senate and in the House, and in the next few days. Why all the hurry? Why are we in such a hurry? Election day is 4 weeks away from tomorrow. Wouldn't it be better to go home and listen to the people, hear what they have to say, and answer their questions before voting on this far-reaching, grave, and troubling question?

Every one of the questions the American people have is important. Without better answers from the President, we will only be getting part of the story, which is a dangerous position for Congress to be in as we prepare to vote on a war resolution this week or next week.

It is a sad thing that the elected representatives of the American people are being asked to vote on this troubling question before the election.

But the administration is not giving us meaningful answers to these questions. All we are getting are vague threats and political pressure from the White House. The President has not backed up his case against Iraq with a consistent justification based on clear reason and evidence. When the President and his advisers are pressed for clarity, they have responded with evasive and confusing references to the dangers of terrorism which they now seem to think has more to do with Saddam Hussein than Osama bin Laden. Defense Secretary Rumsfeld revealed that recently when he told the Senate Armed Services Committee:

I suggest that any who insist on perfect evidence are back in the 20th century and still thinking in pre-9-11 terms.

In other words, it is just too hard for them to answer all of these questions, so Congress should just hand everything over to the President, and he will determine by himself what is "necessary and appropriate" when the time comes. Until then, the administration will provide Congress and the American people with very little information.

We need to know this information, and we need to know it now, before we are pressured into making a hasty decision about whether to send the sons and daughters of Americans to war in a foreign land; namely, Iraq.

The President's military doctrine will give him a free hand to justify almost any military action with unsubstantiated allegations and arbitrary risk assessments, and Congress is about to rubberstamp that doctrine and simply step out of the way.

I cannot understand why much of the leadership of this Congress has bought into the administration's political pressure. Congress will be out of the business of making any decisions about war, and the voice of the people will quickly be drowned out by the White House beating the drums of war.

There is no need for Congress to underwrite the President's new military doctrine. If the United States uses force against Iraq, then Congress can provide the President with enough authority to act decisively in Iraq. Any

further actions the President wants to take should be decided on a case-by-case basis. We should not get carried away by all of the war rhetoric and turn this Iraq resolution into a blank check for the President to enforce some vague new doctrine in every corner of the Middle East or the world beyond. Granting him such broad power would not only set a dangerous international precedent but would severely undermine our own constitutional system of checks and balances.

Some say that the process laid out in the Constitution will be satisfied once Congress votes on whether to authorize war. But Congress must not grant the use of force authorization without a full understanding of the consequences. We will be voting to decide whether we will allow the President to declare war at his convenience for an unlimited period of time. That does not satisfy the Constitution. After all, the President has repeatedly said he has not decided whether we must go to war.

Do we want to just give the President and all future Presidents an authorization for war that they can put in their hip pockets, to be pulled out whenever it is convenient? That is not the course of action worthy of the greatness the Founding Fathers expected when they created the legislative branch.

We should not have this vote on the issue for war or for peace before the Congress has answers to these questions. The President, when he speaks to the Nation tonight, must provide real answers to these questions that the American people are asking.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I say to my valued friend and colleague on the Senate Armed Services Committee that I thought we had an excellent debate on Friday afternoon, at which time a number of the points the Senator from West Virginia raised today were discussed. But I believe the administration has worked diligently in consultation with the Congress—most particularly the appropriate committees—the Senate Armed Services Committee, on which my colleague from West Virginia and I are privileged to serve, and also our colleague from Georgia, as well as the Foreign Relations Committee.

These questions, I believe, and the information that can be made available are and perhaps will again in the next day or so be made available to the Congress. I know I have, I say to my good friend from West Virginia, pressed the administration to see whether or not further information that now has classification can be given.

I and other Members of the Senate were back with our constituencies this weekend. I had about five meetings with my constituents at various places, and foremost in their minds is the seriousness of this situation we face with Saddam Hussein and his regime which possesses these weapons of mass destruction.

I believe this debate is evolving. I believe the Congress is in possession of those facts to justify a vote on the resolution, which Senator LIEBERMAN, Senator BAYH, Senator MCCAIN, and I have drawn up in accordance with consultations with the White House and the leadership.

I thought we got off to a good start on Friday. I thank my colleague for the opportunity to debate him—and we do very vigorously, and undoubtedly we will continue. But I believe, if I might say respectfully to my colleague from West Virginia, it is a good, strong record for the Congress and the American people. And there may be additional facts forthcoming. Certainly, we should await the President's message to the Nation and to the world with great respect because he has time and time again said war is the last option, the use of force is the last option. He pursued diligently diplomatic means before, not only with the United Nations but in one-to-one meetings himself, and the Secretary of State with the heads of state and governments in a great many nations.

I believe progress has been made in all directions.

I thank the Chair. I thank my colleague. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Madam President, we as Members of the Senate, are now being asked by the Commander in Chief to make the most serious decision we can make: the decision to authorize him potentially to send our young American men and women in the American military into harm's way. When I was a young man in the mid-1960s, the U.S. Congress authorized the use of force against North Vietnam, and I volunteered to fight in that war. Three times since I came to the Senate—on Iraq in 1998, on Kosovo in 1999, and then last year on al-Qaida and international terrorism—I have been asked by the Commander in Chief to authorize the use of military force to achieve our Nation's objectives, and all three times I voted to authorize the use of force. This is now the fourth occasion I have been asked to give my consent to such action, and each time I have thought back to the words of one who occupied the same seat in the Senate I now have the privilege to hold, Dick Russell. Senator Russell said:

While it is a sound policy to have limited objectives, we should not expose our men to unnecessary hazards to life and limb in pursuing them. As for me, my fellow Americans, I shall never knowingly support a policy of sending even a single American boy overseas to risk his life in combat unless the entire civilian population and wealth of our country—all that we have and all that we are—is to bear a commensurate responsibility in giving him the fullest support and protection of which we are capable.

That was a marvelous quote by Senator Russell in the 1960s.

While we need to update Senator Russell's statement to encompass the

young women who now also put themselves into harm's way when we go to war, I think it stands the test of time very well and speaks to us all now as we contemplate our second declaration of war in the last 12 months. I believe its counsel of limited ends but sufficient means is sage advice now, as it was when first uttered under the shadow of the Vietnam war.

The leading military analyst of the Vietnam War, the late Col. Harry Summers, wrote in his excellent book, "On Strategy: The Vietnam War in Context":

The first principle of war is the principle of The Objective. It is the first principle because all else flows from it . . . How to determine military objectives that will achieve or assist in achieving the political objectives of the United States is the primary task of the military strategist, thus the relationship between military and political objectives is critical. Prior to any future commitment of U.S. military forces our military leaders must insist that the civilian leadership provide tangible, obtainable political goals. The political objective cannot merely be a platitude but must be stated in concrete terms. While such objectives may very well change during the course of the war, it is essential that we begin with an understanding of where we intend to go. As Clausewitz said, we should not "take the first step without considering the last." In other words, we (and perhaps, more important, the American people) need to have a definition of "victory."

Colonel Summers continues:

There is an inherent contradiction between the military and its civilian leaders on this issue. For both domestic and international political purposes the civilian leaders want maximum flexibility and maneuverability and are hesitant to fix on firm objectives. The military on the other hand need just such a firm objective as early as possible in order to plan and conduct military operations.

Since we are indeed being asked to authorize the commitment of U.S. military forces, it is our responsibility—I would say it is our obligation—as the civilian leadership to provide our Armed Forces with "tangible, obtainable political goals." In other words, we have to define now, before the fighting starts, what the objective is.

It is crystal clear to me what the appropriate, achievable, internationally supported and sanctioned objective is at the present time and in the present case: not simply the admission of weapons inspectors but the verified destruction of Saddam Hussein's store of weapons of mass destruction. This is the matter which makes the Iraqi regime a danger requiring international attention beyond that which is afforded to the all too numerous other regimes which oppress their own people, or threaten regional peace, or fail to fulfill their international obligations. It is the objective which President Bush has been increasingly centered on in his calls for action by the UN. For example, in his September 26 meeting with congressional leaders, the President put it very well. He said:

We are engaged in a deliberate and civil and thorough discussion. We are moving toward a strong resolution . . . And by passing this resolution we'll send a clear message to the world and to the Iraqi regime: the demands of the U.N. Security Council must be followed. The Iraqi dictator must be disarmed. These requirements will be met, or they will be enforced.

And this objective, the disarming of Saddam Hussein, is the objective which this Senate, this Congress is prepared to overwhelmingly endorse as we close ranks behind the President.

Adoption of the force resolution authorization will satisfy our obligations to make it clear to the international community that America stands united in its determination to rid the world of Iraq's weapons of mass destruction. And it will fulfill our responsibility to our military and our service men and women to provide a tangible, militarily obtainable objective. But it will not discharge this Congress of all responsibility with respect to our policy on Iraq.

In retrospect, it seems to me that the real failure of Congress in the Vietnam war was not so much passage of the open-ended Gulf of Tonkin resolution by near unanimous margins in both Houses—based as it was on what we now regard as very dubious information supplied by the executive branch and what those Senators and Representatives had to take at face value—but its subsequent failure for too many years to exercise its constitutional responsibilities as that authorization lead to a cost and level of commitment that few, if any, foresaw at the time. I would note that Senator Russell actually got the following language added to the Gulf of Tonkin resolution itself:

This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations, or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

Our duty, and the duty of this Congress and its successors, to our Nation's security and to our service men and women with respect to Iraq will not end merely with the passage of the pending resolution. We have a constitutional and moral responsibility to continue to review the evolving situation and to ask the hard questions. I did so on each of the three previous occasions when I have supported an authorization of the use of military force. I asked those questions on Iraq in 1998, on Kosovo in 1999, and then last year on al-Qaida and Osama bin Laden and the international terrorism war. And I will do so again with respect to Iraq.

After the 1990-1991 gulf war and after the final end of the cold war, then Chairman of the Joint Chiefs of Staff, Colin Powell, propounded a list of six questions which he believed must be addressed before we commit to a military intervention:

Is the political objective important, clearly defined, and well understood?

Second, have all nonviolent means been tried and failed?

Additionally, will military force actually achieve the objective?

What will be the cost?

Have the gains and risks been thoroughly analyzed?

And finally, after the intervention, how will the situation likely evolve and what will the consequences be?

I have already discussed the first question, the mission, and to the extent we focus on disarmament, I believe we satisfy Colin Powell's first criterion. The second, as to nonmilitary means, is being asked right now, at the United Nations, at Vienna, and in other world capitals. And while what the President calls a "decade of deception" by Iraq must make one very skeptical about the possibility for a satisfactory diplomatic resolution, I believe we should and must give it one final chance before considering the military option. As to the effectiveness of military force, since the President has not made any final decisions, he says, as to what kind of military operation, if any, will be undertaken, it is premature to make a firm determination, but in principle, given the outstanding capabilities of our Armed Forces, and what will hopefully be a well-defined mission, I believe we can answer in the affirmative. So far, so good.

But when we turn to the final three of General Powell's questions that he asked years ago, we see the need for some serious and sustained attention not only by the administration but by the Congress as well.

What will be the cost? And here we need to factor in not only the cost in terms of the immediate military operation, but also potential costs of what could be a very long-term occupation and nation-building phase. Among the many reasons we need to actively seek to build as large an international coalition as possible behind whatever we eventually undertake in Iraq is to help with the aftermath. I want to single out the leadership of my friends and colleagues from across the aisle, Senators LUGAR and HAGEL, in calling the country's and the Senate's attention to the importance of this aspect of our Iraq policy.

And what about the cost for our economy? The mere threat of war has sent oil prices upward and caused shudders on Wall Street. What will a full blown war do?

Have the gains and risks been thoroughly analyzed? And after the intervention, how will the situation likely evolve and what will be the consequences? These two are closely related in that, in my view, the long-term consequences have been the least discussed part of the equation thus far. If, as some believe, the consequence of a U.S. invasion of Iraq will be a united, democratic Iraq which can serve as a "role model" for the rest of the Arab world. Maybe, but such an outcome would not only fly in the face of Iraq's entire history since being created out of a British mandate at the end of the First World War but would appear to be contrary to much of what we have seen

in the aftermath of other recent U.S. interventions, including most recently in Afghanistan. Perhaps, most importantly, we need to make absolutely certain that whatever we do in Iraq does not distract or detract from the war we authorized 12 months ago, our war on terrorism, which remains, in my view, job No. 1, mission No. 1, objective No. 1, one for our national security policy.

So these are the kinds of questions I will be asking, and I hope I will be joined by colleagues from both sides of the aisle in asking, as we move forward.

It now appears the Senate may have at least three alternatives to consider as we move forward on authorizing force against Saddam Hussein: the Biden-Lugar-Hagel resolution; a Levin resolution; and the resolution endorsed by the President, the House leadership and a bipartisan group of Senators. I certainly wish to pay tribute to all of the Senators involved in crafting all of these alternatives. Without exception, they are acting out of conscience and conviction in promoting our national security. And I believe most Senators share the views that diplomacy is preferential to force, and that proceeding with the input and support of the international community, including the United Nations, is far better and more effective than going it alone.

I will be supporting the resolution backed by the President and opposing the alternatives because I believe it is imperative that we now speak with one voice to Saddam Hussein, to the entire international community and, most importantly, to our servicemen and women. A strong, bipartisan vote for the pending resolution will strengthen the President's hand in his efforts to get the international community to step up to the plate and deal effectively with the threat posed by Iraq's weapons of mass destruction, and give the diplomats one last chance to secure Saddam Hussein's final, unconditional surrender of those weapons, as he has pledged since 1991.

The objective of our policy against Saddam Hussein should be a regime of unfettered inspections leading to full disarmament of Iraq's weapons of mass destruction. If diplomacy fails, the military objective must be the complete destruction of such weapons. Regime change may come but, because of the large costs and massive uncertainties this will inevitably produce, this should be the last resort, not the first.

We must not repeat the most disturbing display of partisanship with respect to national security to have occurred in the time I have served in the Congress. I am referring to the extremely disturbing spectacle of disunity and irresolution displayed by the House of Representatives on April 28, 1999 when, with American servicemen and women already in combat against Milosevic and Serbia, the House cast a series of votes that: prohibited the deployment of ground forces, which the

President had never asked for; defeated an attempt to remove US forces; and most dismaying of all, on a tie vote of 213-213, defeated the Senate-passed resolution authorizing the very air operations and missile strikes which were even then underway. What kind of message was that to send our Armed Forces personnel, or our NATO allies or Milosevic?

I implore the Senate to pull together behind the one resolution endorsed by the President, by the bipartisan House leadership and by a bipartisan group of Senators. That resolution affirms the importance of working in concert with other nations, gives preference to a diplomatic over military solution, focuses attention where it should be on disarming Saddam Hussein, seeks to ensure that we not be diverted from fighting the war on terrorism, and provides for the ongoing and Constitutional role of the Congress as events unfold in our policy toward Iraq. I urge a strong and bipartisan vote in favor of the resolution.

God Bless our country and the young men and women who serve in uniform. I yield the floor.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from Virginia.

Mr. WARNER. Mr. President, I wonder if I might ask my very valued friend and colleague a question or two.

With his indulgence, I would like to make a few preliminary comments. First and foremost is that we have shared for some years now a strong friendship and strong working relationship, primarily through his service on the Senate Armed Services Committee. There has been no Senator who has been more mindful of the needs of the men and women of the Armed Forces than our colleague from Georgia. I felt his remarks today were exceedingly well taken, and in particular the need for a strengthened resolution here in the Congress, House and Senate together, acting on a resolution which is clear in its terms, in such a way that there be no daylight, no perceived or actual difference between the legislative bodies of our Government—the Congress, the Senate and the House, and the Executive, the Commander in Chief, the President. I commend him on that point and share it.

In previous days on this floor, most particularly on Friday, I have said that repeatedly. That is the key, the arch of this whole debate is the need to have unity of the two branches of Government.

I was also drawn to his excellent analysis of what we call the Powell doctrine, enunciated by General Powell during his period as Chairman of the Joint Chiefs. It is interesting today, of course, in his role as Secretary of State and in his testimony before the Foreign Relations Committee here in the Senate, those criteria he set down are basically the criteria he follows today as he represents this Nation on behalf of the President and all others in the

United Nations and in his constant series of meetings with heads of state and government in an effort to build a coalition much like that which was built by the first President Bush in 1991.

The Senator from Georgia hit on the key part of the formula of Secretary Powell: What is the cost? And he quite properly enunciated some concerns and areas in there.

The question I ask is the question that has to be asked: What is the cost if we don't act now, act as we are doing; namely, through the United Nations, trying to exhaust all diplomatic means, act as we are now acting in consultation with the heads of state and government in order to build a coalition, and, as I understand it, supporting in some way the writing of a new resolution to be considered by the Security Council which would enable a new inspection regime, this time with clear absolute authority, no equivocation whatsoever about the authority of those going in to perform it and the consequences? Hopefully that resolution would be forthcoming, spelling out the consequences of the failure of Saddam Hussein to accept the resolution and indicate cooperation.

As my colleague knows, cooperation is essential in discharging any inspection regime. So that is where we are now.

What would be the cost, had our President not taken the initiative here in the past months to bring to the very forefront of the entire world the problem facing liberty and freedom with the potential of weapons of mass destruction being made night and day by Saddam Hussein in amounts far exceeding anything he would ever need to defend a sovereign nation?

What is the cost, had we not elevated this debate, had we not gone to the U.N., had not the Congress been asked by the President to have a resolution? What is your estimate of the cost? What would be the course of action for the world to take?

Mr. CLELAND. I thank the Senator for those kind words. In terms of the Powell doctrine, I had a chance to listen to it up front and close when I encountered him as Chairman of the Joint Chiefs of Staff at the Pentagon. We had a long discussion about being fellow Vietnam veterans, about what we learned out of that war, and how he approached the world now as Chairman of the Joint Chiefs.

I can remember two elements to the Powell doctrine. The first is sometimes overlooked. The first should be how to use the American military to stay out of war and, if we do get in it, win quickly. The second part of the Powell doctrine is the doctrine of superior force, what Nimitz called in the Second World War in the Pacific "superior upon the point of contact."

I am delighted we have a Secretary of State who understands the power of the first, which is using the American military to stay out of war. I think

that is step one for me in the Powell doctrine. Step two is obviously if diplomacy fails, use superior force to accomplish your objective. In many ways, we have been acting since 1991. We have had Iraq under Operation Northern Watch and Southern Watch. We are covering 40 percent of Iraqi territory as we speak, we have a naval blockade, and we have sanctions, so we have not been inactive since 1991.

What is the status of his weapons of mass destruction, which is the focus of this entire debate? We really don't know, since the U.N. inspectors were kicked out about 4 years ago, where we stand in that regard. That poses a question and a threat. We know he has biological and chemical weapons, and he is working on a nuclear weapon. So that poses great danger to the Middle East, our allies, Western Europe, and potentially to us. Therefore, I think it is appropriate for the U.S. Senate to support, and the Congress to support, a resolution authorizing the President to take all necessary means, including to use force, to back up the original 1991 U.N. resolution authorizing disarmament of Saddam Hussein and his weapons of mass destruction. For me, that is the political objective and the military objective.

Mr. WARNER. The Senator also made reference to the period of the Clinton administration when President Clinton, again, in consultation with the Congress, acted on the seriousness of the issues of Saddam Hussein after he kicked out the inspectors and defied all 16 resolutions. We in the Senate acted, and I am going to read the resolution we adopted in the Senate:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government of Iraq is in material and unacceptable breach of its international obligations, and therefore the President is urged to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations.

Both the Senator from Georgia and I supported it, am I not correct?

Mr. CLELAND. That is correct. I voted for that resolution in 1998. At one point, the resolution did not authorize the American forces to involve themselves in a regime change. In this resolution we are considering now, we are considering using American forces to not only order Saddam Hussein to comply with the 1991 resolution in terms of disarmament, there is an "or else" clause that says the President can use force as well.

Mr. WARNER. As my colleague, I assume, agrees with me, whoever is President of the United States—be it President Clinton or now President George Bush—has the inherent power to utilize the Armed Forces of our Nation when he deems there is a threat to our security. That, of course, is the essence of the debate we are undertaking now. So when I read the clause where

the Congress said "therefore the President is urged to take appropriate action, in accordance with the Constitution and relevant laws of the United States," to me, that implies a recitation of what we all know since the very first President—he has the authority to use force, if he deems it necessary, to bring Iraq into compliance with its international obligation.

I wonder if the Senator would agree with this Senator one thing that has changed since this resolution is the situation in Iraq has worsened in the sense Saddam Hussein has had these years to proceed with his scheme of building weapons of mass destruction, and I think the open evidence shows he has achieved it in terms of the biological, and he has achieved it in terms of the chemical. With respect to the nuclear weapons, I believe the agreed-upon set of facts is he is doing everything he can to complete a program. There is a difference of opinion as to the time within which he can complete a program to give him a nuclear weapon.

So, in my judgment, what has changed since 1998 is the situation has gotten worse and more threatening from Saddam Hussein. Does my colleague have a view in concurrence with the Senator from Virginia?

Mr. CLELAND. Two points. First, the 1998 resolution, which I supported, the Senator from Virginia supported, and most of us supported, called for regime change but did not authorize the use of American military force. This resolution is different because I believe the situation is different, as the Senator pointed out. The situation is we really don't know the exact status of the biological and chemical capability of Saddam Hussein to wage warfare on his neighbors, our allies, our friends in the Middle East, and on us. Therefore, the 4 years the inspectors have not been there gives us great pause and great concern.

Therefore, our first step should be access to those military sites, those weapons of mass destruction sites, and the destruction of those weapons of mass destruction and complete disarmament according to the 1991 resolution. It is worth, in my opinion, authorizing the use of military force to accomplish that objective.

Mr. WARNER. I thank my colleague very much. I have enjoyed his observations. I respect him very much, as he bears the scars of a brave soldier on behalf of freedom while defending this country.

Mr. President, to conclude our colloquy, I want to read a brief statement that was given by President Clinton at the time of this resolution:

In the next century, the community of nations may see more and more the very kind of threat Iraq poses now: a rogue state with weapons of mass destruction, ready to use them or provide them to terrorists, drug traffickers, or organized criminals, who travel the world among us unnoticed. If we fail to respond today, Saddam and all those who would follow in his footsteps will be

emboldened tomorrow by the knowledge that they can act with impunity—even in the face of a clear message from the United Nations Security Council and clear evidence of a weapons of mass destruction program.

Mr. President, I see others on the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, all I know is what I read in the newspapers. Based on what I do know about public policy and what I read in the newspapers, I would be very frightened if all I knew was what I read in the newspapers because newspapers often get things wrong. It has been interesting to me, as we have had the buildup to this discussion in the Senate about Iraq, there have been a number of very thoughtful pieces written that have appeared in the newspapers, and I wish to draw on some of those and quote from some of them at length here today.

It so happens that both of the pieces I will use today appeared in the Washington Post, but there have also been useful pieces in the New York Times and the Wall Street Journal.

Before I get to that, I want to describe a conversation I had once as a younger man that has been an absolute paradigm conversation in my understanding of politics.

I was having lunch with an old friend, a very experienced political hand, a man who had once served President Eisenhower as a close member of his staff. We were discussing a certain candidate for President.

I said, somewhat improperly, because it was rather arrogant for me to do this: Is this candidate smart enough to be President of the United States?

My old friend answered immediately. He said: Of course not. Nobody is. Then he went on to explain.

As I say, he was a man who had been at Eisenhower's elbow during some of the most significant decisions of our time, and he made this point. He said: Every truly Presidential decision is so loaded down with unknowable consequences, with unforeseen possibilities, and unforeseeable challenges that no truly Presidential decision is ever made on the basis of intellect. It is made on the basis of instinct.

He mentioned this same candidate, and he said: He has good instincts, and you can back him with a clear conscience.

I have thought about that ever since that conversation, and I have realized the wisdom of it. If difficult decisions could be made by smart people and resolved, they would be resolved before they got to the President of the United States because any President in either party has plenty of smart people around him who can figure things out and come to a neat, tidy, absolutely defensible conclusion. But those decisions that do not lend themselves to neat and tidy and absolutely defensible conclusions are the ones that ultimately end up on the President's desk

and are ultimately made, as my old friend said, on instinct, out of the gut, rather than intellect out of the analysis.

I remember a President who many people thought was lacking in intellectual candle power, who made a very momentous decision. His name was Harry Truman. He described how he was at his mother-in-law's home for Sunday dinner back in Missouri when the phone rang. He went to the entry hall of that old home where the phone was kept—showing how long ago this really was. There was no black box following him around. There was no communications apparatus with instant ties to the White House, just a phone in the entry hall where the phone used to be put in the days when there was only one phone per house, and that would be in a central location.

He answered the phone. It was Dean Acheson, who told him the North Koreans had just started across the border into South Korea. President Truman said: We have to stop the—expletives deleted.

In later years, he was asked to outline his decisionmaking analysis of the decision to hold the line in North Korea, and he told of the phone call and said: My decisionmaking analysis was that one sentence when I told Dean Acheson: We have to stop the—expletives deleted. He did not think about it any more than that. That came straight out of his gut. And it was Harry Truman's gut that made him one of the Presidents we now revere as one of the greatest of the past century.

This decision is about going to war in Iraq or about, putting it more properly, giving the President authorization to move ahead with force if at some point it becomes clear to him that is what we should do. It is in the category of those truly Presidential decisions.

As I listen to the debate on the floor, the questions being asked, the analysis being demanded, the effort being made to come up with a clear set of tidy pros and cons that can then be weighed on a balance sheet or an accounting statement and then a carefully crisp decision made on the basis of all of that evidence, I go back to my conversation with my friend. We do not know. No one knows what will be the situation in Iraq if we attack after it is over. We do not know whether the Middle East will be a more beneficent place or a more malevolent place if that attack takes place, and no one does.

I can find experts who will tell us this would be the very best thing we could possibly do, and that the Middle East will be much more peaceful, and that liberty will be on the march if we just stand firm. Out of the newspapers we can find plenty of columnists who will tell us that.

I can find other experts who will say this is the greatest disaster we would possibly bring upon the Middle East, and that if we attack Iraq, we will unleash a whole Pandora's box of problems. The Arab street will rise up, and

America will be hated for 100 years. There are plenty of columnists in the newspapers who will tell us that.

I can find experts who will say: Weapons of mass destruction will be used against Israel if we move ahead against Iraq; that there will be biological and chemical attacks not only against Israel but against American installations everywhere; that American multinational companies will become the targets of biological and chemical attacks; and that all of this can be averted if we just continue the discussions. I can find plenty of columnists and people in the newspapers who will tell us that.

Then there are those who say: If we do not act, we will so embolden Saddam Hussein and all the other dictators of the area that they will never move in a peaceful direction; we will have inevitable war, and it will be many times worse than anything that would be triggered by action taken now. Again, in the newspapers, I can find plenty of columnists who will tell us that.

So this is a truly Presidential decision, and it will be made not in George Bush's head or in the heads of those around him—DICK CHENEY, Colin Powell, Don Rumsfeld, Condoleezza Rice, brilliant people all; they stack up their degrees, they stack up their accomplishments in the world, and this is as glittering an array of talent as any President has ever assembled to advise him on foreign policy matters—but the ultimate decision will be made in the President's gut because this is a truly Presidential decision fraught with so many unknowable consequences and possible side effects that no one, no matter how smart, can accurately analyze them in advance and come to a neat and tidy and firm conclusion.

I take some comfort in an analysis that has been made of what I would call the long-term and big-picture question, a big-picture question that perhaps can be analyzed a little better than the specifics of whether or not we move ahead with force in Iraq. I refer first to a piece that appeared in the Washington Post written by Jackson Diehl entitled "Bush's Foreign Policy First—But no one seems to notice—even at the White House." That is the subhead.

The "foreign policy first" that Mr. Diehl is talking about is the fact that the Bush administration, for the first time since the cold war, has laid down a coherent doctrine and strategy with respect to America's role in the post-cold war world.

We all sat in the House Chamber 10 days after the attack, perhaps a week or so after the attack, on September 11, and we heard President Bush deliver a fabulous speech. It had some of the most dramatic rhetoric I expect to ever hear in my lifetime, and it was the finest Presidential speech I have ever heard in my lifetime. As I stepped away from that speech and the emotion of the moment and analyzed it, realized

President Bush had, in fact, for the first time in the post-cold war world, laid down a vision of that world and America's role in it. That speech was more than a rhetorical masterpiece. It was a serious policy statement of where America should be.

That has been fleshed out in a 34-page statement of foreign policy issued by the White House. That is what Jackson Diehl is referring to when he says Bush's foreign policy first—the first statement of the situation post-cold war as seen by an American administration looking at it in toto.

Quoting from Mr. Diehl's presentation, he says:

For a decade U.S. internationalists bemoaned the absence of any coherent policy for engaging the world after the fall of Communism. The Clinton administration, like the Bush team before it, was excoriated for stumbling from crisis to crisis and for consistently making bad judgments about where and how to use America's sole-superpower strength. Now, at last, the internationalists have gotten what they wanted, and the reaction of too many of them is to be aghast.

Continuing the quote:

The national security doctrine issued this month by the White House packs into just 34 pages everything the foreign policy of the 1990s lacked. It begins by embracing two facts that have been observed since 1991, but hard for a democratic and sometimes insular society to accept: that America has unmatched and unprecedented power in the world and therefore no choice but to shape the international order; and that it faces threats that are utterly different but in some ways more dangerous than the threats from the old Soviet Union.

I think that is exactly what the President was saying in his statement to the Joint Session of Congress. We must face the fact that we have power unmatched in history and, therefore, cannot abdicate our responsibility to shape the international order and, two, we must face the fact that we still live in a dangerous world and we are ironically more vulnerable now than we were before.

Mr. Diehl goes on, after talking about the situation surrounding the word "unilateral," or "presumptive action," and he makes this point:

American presidents have been engaging in unilateral and preemptive military actions all along—most recently in Panama, Grenada and Haiti, and in Iraq following the 1998 expulsion of the inspectors. And what the new policy actually says is this: Because terrorists and rogue dictators now have the potential to do enormous harm to Americans with weapons of mass destruction and are not easily deterred, it may be necessary to strike at some before they can act. Should we again sit still if a future al-Qaida operates large terrorist training camps in a future Afghanistan? Rice's document treats this question as a matter of common sense, which it is. It also says, sensibly, that preemption is not the answer to all threats—and so far, at least, it hasn't been the legal basis for the White House campaign against Iraq.

I ask unanimous consent that I be allowed to continue for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

Mr. BENNETT. Jackson Diehl summarizes this way:

The real heart of the doctrine, the proposition that U.S. strength be wielded to spread liberty throughout the world, has been barely acknowledged by a policy apparatus that continues to cultivate old and new autocratic allies in the Middle East and Asia.

I ask unanimous consent that the entire article appear at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BENNETT. Turning to a piece which also appeared in the Washington Post written by Bernard Lewis, who is considered by some to be the ultimate authority on conflicts in the Middle East, it is entitled: "Targeted By a History of Hatred—The United States Is Now the Unquestioned Leader of the Free World, Also Known as the Infidels." That is an interesting tie: We are the unquestioned leader of the free world, also known in many parts of the world as the infidels.

Put that headline against the statement contained in Jackson Diehl's summary of the Bush position paper authored primarily by Condoleezza Rice, and once again you see the big picture. We do live in a world where we are the only superpower. We have the responsibility to do something with that, and President Bush and his advisers have now come to the conclusion that the ultimate test of how we use our power should be how will it ultimately spread liberty throughout the world. That is the kind of flag to which I can repair. That is the kind of standard I can follow.

If we were the British in the 1700s and 1800s presiding over the world, the grand scheme would be: How can we enhance and increase British Imperial power? If we were the Romans when they were the only superpower in that portion of the world they cared about, the only big picture item would be: How can we secure and extend the power of the Roman legions? But as President Bush makes this truly Presidential decision out of his gut, he has made it clear that the ultimate question he is asking, and we must ask with him, is, How will this expand the role of liberty throughout the world? That, as I say, is a standard I can follow.

So I will be voting in favor of the resolution, not because I have figured out all of the unknowables and imponderables relating to it and not because I am absolutely sure that the Presidential power will be used in the right possible way in every possible circumstance. I will be doing it because I trust George W. Bush's instincts as outlined as clearly as any post-war President has ever outlined America's role in the post-war world.

He will use his power to expand and defend liberty throughout the world. He may use it by mistake. He may do things that do not produce that result. But that will be his polestar; that

should be America's polestar; that should be the policy we lay down and hold now for generations to come. It resonates with the decision of the Founding Fathers when the country was created. It is a worthy position for us to take now that the country has become preeminent in the world. Let us hope and pray that as we give this President this power it is always used to that end.

I yield the floor.

EXHIBIT No. 1

BUSH'S FOREIGN POLICY FIRST

(By Jackson Diehl)

For a decade U.S. internationalists bemoaned the absence of any coherent policy for engaging the world after the fall of communism. The Clinton administration, like the Bush team before it, was excoriated for stumbling from crisis to crisis and for consistently making bad judgments about where and how to use America's sole-superpower strength. Now, at last, the internationalists have gotten what they wanted—and the reaction of too many of them is to be aghast.

The national security doctrine issued this month by the White House packs into just 34 pages everything the foreign policy of the 1990s lacked. It begins by embracing two facts that have been obvious since 1991, but hard for a democratic and sometimes insular society to accept: that America has unmatched and unprecedented power in the world and therefore no choice but to shape the international order; and that it faces threats that are utterly different but in some ways more dangerous than the threats from the old Soviet Union.

The Bush doctrine commits the United States to act aggressively, with others or alone, "to promote a balance of power that favors freedom." The phobias about engaging abroad that paralyzed policy in the '90s, and infuriated the internationalists, are banished. This isn't just the Jacksonian assertion of American interests, though that is surely part of it. There is also a Wilsonian promise to "bring the hope of democracy, development, free markets and free trade to every corner of the world"—and a Kissingerian strategy of maintaining a "great power balance" that decisively favors the United States. The ambition is breathtaking: "We will work to translate this moment of influence," declares the doctrine, "into decades of peace, prosperity and liberty." It is, in short, a bold—and mostly brilliant—synthesis, one that conceivably could cause national security adviser Condoleezza Rice, who executed it, to be remembered as the policymaker who defined a new era.

The first proof that Rice and her team are on to something is the alarmist reactions that have greeted her paper. Scandalized members of the foreign policy establishment are calling its treatment of preemptive action an unprecedented policy departure that endorses blitzkrieg as the remedy for anti-Americanism. In a chat with National Public Radio, historian Douglas Brinkley claimed that it "is simply saying, 'We do what we want when we feel like it, and we will declare war on anybody if we think they might be declaring war on us.'"

Policy perestroika usually provokes such first responses. But American presidents have been engaging in unilateral and preemptive military actions all along—most recently in Panama, Grenada and Haiti, and in Iraq following the 1998 expulsion of the inspectors. And what the new policy actually says is this: Because terrorists and rogue dictators now have the potential to do enormous harm to Americans with weapons of mass destruction and are not easily deterred,

it may be necessary to strike at some before they can act. Should we again sit still if a future al Qaeda operates large terrorist training camps in a future Afghanistan? Rice's document treats this question as "a matter of common sense," which it is. It also says, sensibly, that preemption is not the answer to all threats—and so far, at least, it hasn't been the legal basis for the White House campaign against Iraq.

That Colin Powell now is negotiating the text of another Security Council resolution on U.N. inspections with Russia, Syria and France points to the real weakness of the Bush doctrine—not that it is too radical but that it lacks the political momentum needed to overcome decades of encrusted old thinking and bureaucratic inertia. It's not just that liberal academics haven't signed on to the new doctrine. Inside the administration, it's hard to find anyone—other than Rice—who subscribes to every part of it. Instead, some push the unilateral offense, some the democratic nation-building—and no one quite gets his or her way. In practice, despite all the alarms, the administration's foreign policy, when not entirely paralyzed by internal infighting, mostly follows the old norms.

George Kannan's theory of containment eventually won over challengers from the right and left, and thus became the consensus doctrine of the Cold War. Will Rice have the same luck? So far preemption is no more than a scary word used to motivate the United Nations—which, at least in the case of Iraq, is perhaps its best use. Meanwhile, the real heart of the doctrine—the proposition that U.S. strength be wielded to spread liberty through the world—has been barely acknowledged by a policy apparatus that continues to cultivate old and new autocratic allies in the Middle East and Asia. Does George Bush really subscribe to the doctrine issued in his name? Ask Hosni Mubarak, or Pervez Musharraf.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank our distinguished colleague for an excellent contribution to this debate. He has a remarkable way of tying it to the reality of the present day and the present time and also looking toward the future. So, again, I thank him for his participation and hope he can perhaps return to the floor in the future.

I ask unanimous consent that following my remarks, an op-ed piece that appears today, Monday, October 7, in the Wall Street Journal, authored by our distinguished colleague JOE LIEBERMAN, whose name appears in the first place on the resolution that is before the Senate, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. WARNER. I read the following excerpt:

It is time to authorize the use of our military might to enforce the United Nations resolutions, disarm Iraq, and eliminate the ongoing threat to our security, and the world's, posed by Saddam Hussein's rabid regime.

Later he asks the question, Why now? He replies:

For more than a decade we have tried everything—diplomacy, sanctions, inspections, limited military action—except war to convince Saddam Hussein to keep the promises he made, and the U.N. endorsed, to end the Gulf War. Those steps have not worked . . .

So my answer to "why now?" is, "Why not earlier?" And, of course, that question has new urgency since September 11, 2001.

Further, he quotes from former Secretary of Defense Jim Schlesinger, under whom I was privileged to serve as Secretary of the Navy. Senator LIEBERMAN states:

As former secretary of defense Schlesinger recently told the Senate Armed Services Committee, "Vigorous action in the course of an ongoing conflict hardly constitutes preventive war."

EXHIBIT 1

[From the Wall Street Journal, Oct. 7, 2002]

OUR RESOLUTION

(By Joe Lieberman)

The most fateful and difficult responsibility the Constitution gives to members of Congress is to decide when the president should be authorized to lead the men and women of the U.S. military into war. We are now engaged in such a debate regarding Saddam Hussein's belligerent dictatorship in Iraq.

Although I disagree with many other aspects of President Bush's foreign and domestic policy, I believe deeply that he is right about Iraq, and that our national security will be strengthened if members of both parties come together now to support the commander-in-chief and our military. That's why I have cosponsored the Senate resolution that was negotiated with the White House. It is time to authorize the use of our military might to enforce U.N. resolution, disarm Iraq, and eliminate the ongoing threat to our security, and the world's posed by Saddam Hussein's rabid regime.

RESPONSIBILITY

Making the case for such action is a responsibility to be shouldered by those of us who have reached these conclusions. If we do so convincingly, not long will the American people and our allies better understand our standards for engagement, but governments around the world who defy the dictates of the U.N. to make weapons of mass destruction or to support terrorists will appreciate how painful the consequences of their brutality and lawlessness can be.

In that spirit, let me now address a few of the most critical questions my Senate colleagues and many American are asking.

Why has military action against Saddam become so urgent? Why not give diplomacy and inspections another chance? Why now?

For more than a decade we have tried everything—diplomacy, sanctions, inspections, limited military action—except war to convince Saddam to keep the promises he made, and the U.N. endorsed, to end the Gulf War. Those steps have not worked.

In 1998, Bob Kerry, John McCain, and I sponsored the Iraq Liberation Act declaring it national policy to change the regime in Baghdad. The act became law, but until recently little has been done to implement it. In the meantime, Saddam has not wavered from his ambition for hegemonic control over the Persian Gulf and the Arab world: He has invested vast amounts of his national treasure in building inventories of biological and chemical weapons and the means to deliver them to targets near and far. Saddam once told his Republican Guard that its national honor would not be achieved until Iraq's arm reached out beyond its borders to "every point in the Arab homeland."

So, my answer to "Why now?" is, "Why not earlier?" And, of course, that question has new urgency since Sept. 11, 2001.

Won't a war against Iraq slow or stop our more urgent war against terrorism?

To me, the two are inextricably linked. First, remember that Iraq under Saddam is

one of only seven nations in the world to be designated by our State Department as a state sponsor of terrorism, providing aid and training to terrorists who have killed Americans and others. Second, Saddam himself meets the definition of a terrorist—someone who attacks civilians to achieve a political purpose. Third, though the relationship between al Qaeda and Saddam's regime is a subject of intense debate within the intelligence community, we have evidence of meetings between Iraqi officials and leaders of al Qaeda, and testimony that Iraqi agents helped train al Qaeda operatives to use chemical and biological weapons. We also know that al Qaeda leaders have been, and are now, harbored in Iraq.

Saddam's is the only regime that combines growing stockpiles of chemical and biological weapons and a record of using them with regional hegemonic ambitions and a record of supporting terrorists. If we remove his influence from the Middle East and free the Iraqi people to determine their own destiny, we will transform the politics of the region. That will only advance the war against terrorism, not set it back.

Why should we launch a strike against a sovereign nation that has not struck us first?

We should and will soon have a larger debate about the president's new doctrine of pre-emption, but not here and now, because the term is not apt for our current situation. We have been engaged in an ongoing conflict with Saddam's regime ever since the Gulf War began. Every day, British and American aircraft and personnel are enforcing no-fly zones over northern and southern Iraq; the ongoing force of about 7,500 American men and women in uniform costs our taxpayers more than \$1 billion a year. And this is not casual duty. Saddam's air defense forces have shot at U.S. and British planes 406 times (and counting) in 2002 alone.

As former Secretary of Defense James Schlesinger recently told the Senate Armed Services Committee, "Vigorous action in the course of an ongoing conflict hardly constitutes preventive war."

Why not have two congressional resolutions, one now encouraging the U.N. to respond to President Bush's call for inspections without limits, and another one later authorizing U.S. military action if the U.N. refuses to act?

This is sometimes described as the way to stop "go-it-alone" action by the U.S. unless and until absolutely necessary. But I believe that the best way to encourage forceful U.N. action, so that we never have to "go it alone," is for Congress to unite now in authorizing the president to take military action, if necessary. I am convinced that if we lead decisively, others will come to our side, in the U.N. and after. If we are steadfast in pursuit of our principles, allies in Europe and the Middle East will be with us.

Why not just authorize the president to take military action to disarm the Iraqis instead of giving him a "blank check"?

Our resolution does not give the president a blank check. It authorizes the use of U.S. military power only to "defend the national security of the United States against the continuing threat posed by Iraq" and to "enforce all relevant United Nations Security Council Resolutions regarding Iraq."

There are 535 members of Congress who have the constitutional responsibility to authorize American military action, but there is only one commander-in-chief who can carry it out. Having reached the conclusion I have about the clear and present danger Saddam represents to the U.S., I want to give the president a limited but strong mandate to act against Saddam. Five hundred and thirty-five members of Congress cannot

wage war; we can only authorize it. The rest is up to the president and our military.

A RECORD OF STRENGTH

We in Congress have now begun a very serious debate on these questions and others. Each member must act on values, conscience, sense of history and national security. When it is over, I believe there will be a strong majority of senators who will vote for the bipartisan resolution that John Warner, John McCain, Evan Bayh and I have introduced. I am equally confident that a strong majority of Democrats in the Senate will support it. In doing so, they will embrace the better parts of our party's national security legacy of the last half century. From Truman's doctrine to prevent communist expansion to Kennedy's "quarantine" of Cuba to prevent Soviet missiles from remaining there, to Bill Clinton's deployment of American forces to the Balkans to stop genocide and prevent a wider war in Europe, Democrats should be proud of our record of strength when it counted the most.

Each of the Democratic presidents above tried diplomacy, but when it failed, they unleashed America's military forces across the globe to confront tyranny, to stop aggression, and to prevent any more damage to America or Americans. That is precisely what our resolution would empower President Bush to do now.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I will use my 15 minutes to speak on the Iraq resolution at a subsequent time. I will speak today on something I think is extremely important to what we are doing militarily around the world; that is, as a result of an article I saw in today's Washington Post, and I am sure it is running all over the world.

Mr. WARNER. Could I ask my colleague, could your very important colloquy which I will have with you on this subject appear in a place elsewhere in the RECORD?

Mr. REID. I want it at this point. Sorry, but I really do. I think this is important to what we are doing today. I say to my friend, the distinguished Senator and my good friend from Virginia.

This headline reads: "Bush Threatens Veto of Defense Bill."

I cannot believe the President is involved in this—maybe some of the people around him—I cannot believe the President would do this. I cannot accept that. I cannot accept George W. Bush, a person I have found to be very sensitive to people—I hope my feelings are warranted.

We have statements from the same article:

David S.C. Chu, Undersecretary of defense for personnel and readiness, said VA disability compensation is intended not to supplement military pensions.

"We're going to rob Peter to pay Paul."

He was speaking for the President of the United States on this very important issue, saying:

"We're going to rob Peter to pay Paul"—"and the question is, should Peter really lose here?"

This is legislation I authored and others have supported over the years to allow military retirees to receive not only their retirement benefits from the

military but also their disability benefits. That is all this is. Somebody who is in the U.S. military, who is disabled, can receive that pension in addition to their retirement benefits. The law now says you can't. I say that is wrong.

If you retire from the Department of Energy or Sears & Roebuck and have a disability pension from the military, you can draw both pensions. Why shouldn't you be able to if you retire from the military?

I am troubled with this administration's opposition of concurrent receipt of retirement pay and disability pay for disabled military retirees.

America's veterans have long been denied concurrent receipt based on an antiquated law that in effect says if you have 20 years in uniform you cannot draw your disability.

This "robbing Peter to pay Paul" troubles me. As we speak today, starting at 2:45 today until 2:45 tomorrow, 1,000 World War II veterans will die. A number of those have disabilities, and they are entitled to receive those disability benefits as a result of their service in the military. They are entitled to that. But not legally.

This law which has passed the Senate on two separate occasions—passed the House this year—is being threatened by the President. He is not going to OK this bill.

I held a press conference with Senator WARNER and Senator LEVIN last year saying they fought a good fight, and we were sorry we could not get it done. I will not accept that this year; neither are the veterans of this country. I know how dedicated Senator WARNER and Senator LEVIN are to the military of this country. Don't let them be bamboozled by this administration saying he will veto the bill.

I dare them to veto the bill based on disability benefits to veterans, 1,000 of whom are dying every day, World War II veterans. Not all 1,000 will draw benefit. They have exaggerated how many people will draw these benefits. But there are some.

And now I see a proposal in the same article, the distinguished Senator from Arizona saying maybe we will compromise and say those who have a service-connected disability can draw their benefits.

If you are in battle—at most, there are 10 percent during a conflict with military people on the front lines in combat—if someone gets shot and their shoulder is ruined, they should be entitled to the benefits. If someone is not in the front lines, but in the back lines, or even in America, not over in a foreign country, and they fall off a truck and ruin their shoulder, they are entitled to those benefits just like someone who was shot. They are doing their best to represent our country, and they are just as important. If you did not have those people behind the lines, you would not have the people on the front lines able to fight.

Career military retired veterans are the only group of Federal retirees required to waive their retirement pay to

receive disability. Other Federal retirees get both disability and retirement pay.

Some officials have been quoted in recent newspaper articles stating that retirement pay is two pays for the same event. Come on, get real, Mr. President. These people say this is doubledipping. These statements are simply untrue—or people do not know what they are talking about. Military retirement pay and disability compensation are earned from entirely different purposes. Therefore, a disabled veteran should be allowed to receive both.

Current law ignores the distinction. Military retired pay is earned compensation for the extraordinary demands and sacrifices inherent in a military career. It is a reward promised for serving two decades or more under conditions that most Americans would find intolerable. When a person goes into the military, they are expecting to draw retirement pay. When they go in the military, they are not expecting to come out disabled. But it happens. Veterans disability compensation is recompense for pain, suffering, and loss of earning power caused by a service-connected illness or injury. Few retirees can afford to live on their retired pay alone, and a severe disability makes the problem worse, limiting or denying postservice working life.

The Presiding Officer of this body is the chairman of the Veterans' Affairs Committee, and on a daily basis he deals with the problems, the burdens of veterans in our country. No group of people have more problems than veterans. Whether you are a World War II veteran, Korean war veteran, or a Vietnam veteran, you have problems. We have people from all those conflicts, plus others who have served in recent years who have disabilities. They are entitled to this. It has passed the Senate. It is the will of the people of this country. It is the will of the Senate. For, now, the President—his representative, a Mr. Chu—to come in and say:

The President is not going to support this legislation. It would be robbing Peter to pay Paul.

What is that supposed to mean? We are not going to be able to buy a tank or airplane? Instead, we are going to have to give the money to somebody like Senator INOUE, who has lost an arm, or Senator CLELAND, who has lost three limbs?

A retiree should not have to forfeit part or all of his or her earned retired pay as a result of having suffered a service-connected disability. There are those who have suggested a compromise for limited concurrent receipt to only combat-injured military retirees. I don't accept that. Many of our veterans have not been injured in combat, but they are no less injured or any less deserving of fair compensation. This is simply bowing to the administration's threat of a veto.

Likewise, the administration's assertion that if the concurrent receipt

passes, "1.2 million veterans could qualify" for extra benefits is simply not credible. The Department of Defense and Department of Veterans Affairs previously informed Congress about 550,000 disabled retirees would qualify if the Senate concurrent receipt plan were approved. So where do they come up with another 700,000 people?

The administration's argument that funding benefits for America's disabled veterans would hurt current military personnel is misleading. Congress is not cutting funding for those who are now serving our country in order to provide benefits for those from previous generations who served loyally and made tremendous sacrifices. Congress will appropriate the money to pay for that.

Enacting this concurrent receipt legislation will not cause current service members to live in substandard quarters, as some say, in a misguided attempt to turn one generation of patriots against another. Moreover, at a time when our Nation is calling upon our Armed Forces to defend democracy and freedom, we must be careful not to send the wrong signal to those in uniform. All who have selected to make their careers in the United States military are now facing an additional unknown risk in our fight against terrorism. If they were injured, they would be forced to forego their earned retired pay in order to receive their VA benefits. In effect, they would be paying for their own disability benefits from their retirement checks unless this legislation is passed overwhelmingly.

If the President vetoes this bill because of this, how many Senators are going to come here and vote to sustain that veto? I don't think very many. Who would they rather have on their backs? The President or the veterans of this country? I know from Nevada, I would rather have the President on my back than those veterans—and they are right.

At a time when our Nation is calling on our Armed Forces, we need to do this. We must send a signal to these brave men and women the American people and Government take care of those who make sacrifices for our Nation. We have a unique opportunity this year to redress the unfair practice of requiring disabled military retirees to fund their own disability compensation. It is time for us to show our appreciation to these people.

Finally, the assertion the veterans who would benefit from concurrent receipt are already doing well financially is ridiculous. NBC, the National Broadcasting System, recently aired three news stories in which they documented the dire situation veterans are facing today. The Pentagon has acknowledged its studies of retiree income included extremely few seriously disabled retirees.

For too long America's disabled military retirees have been unjustly penal-

ized by concurrent offset, and they are demanding action be taken now, not in the future. With such strong bipartisan support on both sides of the Congress, these men and women do not understand the opposition of the administration. As I say, I hope the President doesn't know what is going on.

Let me say again to my friend, the Senator from Virginia, who is on the floor—I have spoken to him today. I have spoken to Senator LEVIN today. I think this is so important we do this. At a time when our country finds itself in crisis, what could be wrong with a veteran getting retirement pay and disability pay at the same time? They are two separate earnings, one for being hurt, one for spending a lot of time in the military.

I have worked hard on this. I appreciate the support of the Senator from Virginia and the Senator from Michigan. But I am saying here we can't let this opportunity pass. We would be letting down people whom we should not be letting down.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to commend my distinguished colleague and friend on this particular issue. Among the group of us, you have been primarily the leader. My recollection is this is about the fourth year we have brought this up for attention and really asked the Senate to focus upon it. This year it was a direct focus upon it by the Senate and the House, and both Chambers put a provision in their bill.

Mr. REID. I would also say to my friend from Virginia, not only that, but the House—we don't have a budget here, but the House budget includes this. They didn't include—

Mr. WARNER. Yes.

Mr. REID. They included it to 60 percent disabled. They have the dollars budgeted in the House. They did that. So the answer is absolutely correct.

I vote for these defense budgets. I am for a strong military. I remind everyone here in this Iraq season we are in, I was the first Democrat to announce publicly to support the first President Bush. I had no problem doing that. I want a good, strong military. But I think part of that is rewarding these people for having been injured. Why should we take their retirement away from them because they have been injured? There is no reason.

Mr. WARNER. I say to my colleague, we are now, as you know, in conference. Senator LEVIN and I work daily on this with our two colleagues from the House, Chairman STUMP and IKE SKELTON. This has not been resolved as yet.

We, of course, have to take notice of what is stated here. Presumably the statement in the Pentagon, by Mr. Chu, would not have been made had there not been some consultation with the staff of the President. I don't know the extent this has been brought to his attention. After all, he has been among

the staunchest defenders of the men and women of the Armed Forces—past, present and for the future.

So I say to my friend, I will join him and others and continue to try to work this issue in our conference. But I believe your statement at this time, I say to my colleague, comes at a critical moment. Because that decision could be made, indeed, today, tomorrow, the next day, as to how, finally, to constitute the provisions of the House-Senate conference document which would then be brought back to both Chambers for vote.

So I take to heart your comments. I will share them with our conferees. I express again my appreciation to you for your staunch—staunch defense of our veterans. I humbly say, modestly: I am a veteran. As a matter of fact, I would not be here had it not been for what the military did for me. I have often said they did a lot more for me than I ever did for them in my modest service. But I assure you, I am contemporary with the World War II generation, and you are absolutely right. One thousand a day are departing.

I have met with them. They have been among the more vigorous, to try and bring forth congressional action on this, as have any number of veterans' groups and groups associated with our military.

I say to my friend, your message is timely. We should take it to heart and do our very best.

Mr. REID. Mr. President, I can say to my friend, the "gentleman" from Virginia—and certainly he is the epitome of a gentleman—I appreciate very much his remarks.

Mr. DORGAN. Will the Senator from Nevada yield for 2 brief questions?

The PRESIDING OFFICER. Does the Senator yield?

Mr. WARNER. I have no objection, of course, but we are proceeding on the Iraq resolution. Following colleagues' comments and questions to our distinguished Democratic whip, we will return to, I believe, Senator KYL to be recognized.

Mr. DORGAN. Mr. President, I am mindful there are others waiting to speak. But when I learned Senator REID was going to speak today, I was going to ask him a couple of questions on this issue. I will just be 2 to 3 minutes, if I can ask the indulgence of my colleagues.

Mr. DOMENICI. If the Senator will yield, can I ask for the record that I follow Senator KYL?

Mr. WARNER. Certainly I have no objection. I think that is very helpful.

The PRESIDING OFFICER. That is ordered without objection.

Mr. REID. And following Senator DORGAN, Senator KYL be recognized for 15 minutes and Senator DOMENICI for 15 minutes.

Mr. DORGAN. I wanted to say to the Senator from Nevada, he has raised a very important issue at this point. Twenty-three of us in the Senate sent a letter to the authorizing committee

on this subject, saying those soldiers who have earned a retirement should receive it, and those same soldiers who are entitled to a disability payment should receive that as well. It is that simple. Senator REID of Nevada has made the case. It is just a very simple issue of equity.

What I wanted to do is point out that NBC News did a story recently. I don't know whether the Senator mentioned this on the floor of the Senate. Hank Nix, from Ozark, AL, 52 years ago was shot in the chest. He took a bullet leading his platoon. He earned a Silver Star. He is now talking about having to move from their home because of what is called a broken promise. The Government is reducing his retirement pay because he is not allowed to collect both his disability—he is 100 percent disabled, he took a bullet in the chest leading his platoon in the Korean war, but he is not allowed to collect the retirement he earned and a disability payment he is due. Why? Because there is a quirk in the law that applies only to disabled soldiers and no other Federal worker. About half a million soldiers are in this circumstance.

It is, in my judgment, totally unforgivable that we don't fix this. It has been around for a long while. Many of us have talked about it on the floor of the Senate. I know the Senator from Virginia is in support of fixing it, as are, I think, most of our colleagues.

I appreciate the fact that the Senator from Nevada brought this to the floor today because this is critically important. If we are going to get it fixed, now is the time to get it fixed. A military career is filled with hardships, family separations, and sacrifices, and all too often being put in harm's way. There are promises made to those folks who wear America's uniform, and then we are not keeping the promise with respect to this issue.

Finally, let me say this: I have, as many of my colleagues have since September 11, 2002, visited military bases in Central Asia, Afghanistan, and elsewhere. You can see the pride in the eyes of those soldiers—men and women—who are fighting terrorism on behalf of our country. You know and they know we have an obligation to keep our promise to our veterans.

George Washington said it 200 years ago. I will not repeat the quote that has been repeated many times on the floor of this Senate. But when we send young men and women to war to defend freedom, we have an obligation to keep our promises to them. One of those promises is to say: If you earn a retirement, we will pay you that retirement. If you are disabled because of your service to our country, you are entitled to that disability payment. It is just that simple.

I appreciate the Senator from Nevada bringing it to the floor.

Mr. REID. I appreciate very much having worked with the Senator from North Dakota on this most important issue as we have on a number of issues.

My point is, the conferees must not cave in on this. Let them veto this issue. We will override the veto. This isn't something that is, oh, well, we will see. As I said, let everyone here in the Senate decide whom they want to support—the President's people or the veterans of their States. This is an issue on which conferees cannot let us down.

Mr. DORGAN. The President threatened a veto today—or the White House did, apparently. They said they cannot afford this. We can't afford not to do this. You just have to keep the promises here. I am talking about our country. We must keep our promise to veterans. I hope he will not veto. If he does, it will be overridden, I believe, by a very large margin here in the Senate.

I yield the floor.
The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Arizona.

Mr. KYL. Madam President, I support S.J. Res. 45 authorizing the use of force against Iraq.

Perhaps the most difficult decision one can make as a Member of this body is to vote to send American troops into harm's way. It forces one to consider every question, every possibility, and every option short of war. But this does not mean we should eschew action simply because we have not yet tried every other option. Some threats must be dealt with before implausible alternatives are allowed to play out because of the consequences of delay. Preemption may be the only logical course of action in some situations. A nation need not allow itself to be struck to be justified in acting to protect itself.

With these principles in mind, we can evaluate the need to authorize the use of force against Iraq. Actually, use of force against Iraq has already been authorized by both the United States and the United Nations. And the United States and Great Britain are already using force on a weekly basis.

Notwithstanding his obligations to allow aerial inspections in the no-fly zones, Saddam Hussein regularly attempts to shoot down our unarmed reconnaissance planes, and we either react by destroying the offending anti-aircraft site or seek to discover and destroy it before it can fire—preemption. No one questions our right to do this.

Two facts can, therefore, be established: No. 1, Saddam Hussein is not willing to allow unconditional inspections as he claims. He is not doing it now. No. 2, his continued violation of the United Nations resolutions requires a military response. That is assuming the resolutions were intended to be enforced when they were adopted. Delay in doing so only degrades our claim of authority to act and makes more difficult the task.

No one can argue that the United States and the international community have not exhausted the full range of legal, diplomatic, and other alternatives to try to compel Saddam Hussein to obey all of the terms of the cease-fire to which he agreed at the end

of the gulf war. His continuing defiance of that agreement, including his desire to acquire nuclear weapons and his support of terrorism, presents a real and growing threat to U.S. national security. We have now reached a juncture where the risks of inaction outweigh the risks of action.

Those who oppose the authorization of force usually define the test as whether there is an immediate threat, asking, Why do we have to act now? But I submit this is the wrong question. Our intelligence will never be good enough to allow us to calibrate our action to a threat just a few days or a few weeks away. We simply do not know enough to do that. We cannot wait until we are sure that Iraq has a nuclear weapon and is about to use it because it is unlikely we will ever have that evidence, and it will be too late when we do.

I find it ironic that some of the people insisting on this standard are also some of the loudest critics of our intelligence failures before September 11, arguing that we should have known an attack was imminent and we should have taken action to prevent it. If September 11 had not happened, my guess is that these same people would be urging caution, arguing that since we haven't yet "connected all the dots," any preemptive action at that time would be too risky and premature.

Moreover, action is warranted now because there is no realistic hope that the United Nations resolutions and Saddam's promises to us at the end of the gulf war will otherwise be enforced, and each month that passes increases the danger.

Finally, Iraq is another front in this war on terror. Eliminating Saddam's threat will give us greater latitude in other actions we will have to take, and it will create a more willing group of allies in the region. For some of these countries to throw in with us, they need to know that we are absolutely committed to winning and that they are better off joining the winning side than continuing to pay tribute to terrorists in order to protect their regimes from terrorists.

While there is much about Iraq's capabilities we do not know, there are also some things we do know. No one, for example, can doubt the extent of Iraq's weapons of mass destruction. The only question is when and how he will use them and how long it will be before he can add nuclear weapons to his existing chemical and biological capabilities.

In recounting Iraq's nasty capabilities, it is useful to remind ourselves that Baghdad has continued to pursue the development of these weapons of mass destruction and the means to deliver them in violation of numerous U.N. resolutions. There are 13 such resolutions.

During the 7 years that the United Nations Special Commission—UNSCOM—inspectors were present in Iraq, Saddam Hussein went to great

lengths to obstruct inspections to conceal his stockpiles and continue his programs under cloak of secrecy. It has now been 4 years since United Nations inspection teams last set foot in Iraq. We have evidence that Saddam has used that time to enhance his weapons and his development programs. I need not detail that evidence here. It has been amply discussed in a variety of open and closed sources of information provided by the administration, and it includes everything banned by the United Nations—chemical, biological, and nuclear weapons, and the means of delivering them.

In addition, Saddam Hussein has demonstrated proclivity to use force to achieve his objectives—twice against his neighbors. And his aggressive ambitions have already led him to deploy the devastating weapons if his stockpiles. He used chemical weapons against Iran. He again used them against his own Kurdish population. And he has launched ballistic missiles against four neighbors. He is devoting enormous resources of his country to upgrade his threat, which is not an action of one who only wants to survive.

There should be little doubt that Saddam Hussein will use his weapons of mass destruction again either to back up a threat to harm us if we stand in the way of some future aggression or in actual attack against us or our allies, including, potentially a terrorist type attack on our homeland. A recent article by Kenneth Pollack in the Arizona Republic amplifies this point. In the article, Pollack concludes, "... there is every reason to believe that the question is not one of war or no war, but rather of war now or war later—a war without nuclear weapons or a war with them."

Saddam Hussein's abuse of the Iraqi people is also deplorable, not to mention a violation of a U.N. resolution passed just after the Gulf War, resolution 688. His hideous treatment of Iraqi men, women, and children is documented. A report published by Human Rights Watch in 1990 described the shocking brutality of the Iraqi regime:

Large numbers of persons have unquestionably died under torture in Iraq over the past two decades. Each year there have been reports of dozens—sometimes hundreds—of deaths, with bodies of victims left in the street or returned to families bearing marks of torture. . . . The brazenness of Iraqi authorities in returning bodies bearing clear evidence of torture is remarkable. Governments that engage in torture often go to great lengths to hide what they have done. . . . A government so savage as to flaunt its crimes obviously wants to strike terror in the hearts of its citizens. . . .

And, as Iraqi citizens starve, Saddam has illegally used oil revenues from the U.N. oil-for-food program to rebuild his military capabilities, including his weapons of mass destruction. Then, of course, Saddam blames the United States and the United Nations for the suffering of the Iraqi people.

Finally, there is Saddam Hussein's support for international terrorism. In

his address to the Nation following the September 11 attacks, President Bush presented the countries of the world with two unambiguous options. He said: "Every nation in every region now has a decision to make. Either you are with us, or you are with the terrorists." Saddam Hussein made his decision.

Iraq was the only Arab-Muslim country that failed to condemn the September 11 attack. In fact, the official Iraqi media stated on that day that America was "reaping the fruits of [its] crimes against humanity." We know that Iraq has hosted members of al-Qaeda. And National Security Advisor Condoleezza Rice has commented specifically on Iraq-al-Qaeda ties.

"We clearly know," she said, "that there . . . have been contacts between senior Iraqi officials and members of al-Qaeda. We know too that several of the [al-Qaeda] detainees, in particular some high-ranking detainees, have said that Iraq provided some training to al-Qaeda in chemical weapons."

And Iraq has supported other terrorists. For example, Abu Abbas, the mastermind of the 1985 *Achille Lauro* hijacking and murderer of American Leon Klinghoffer, lives in Baghdad. The notorious Abu Nidal lived in Baghdad from 1974 to 1983, and then again recently until he was gunned down earlier this year. And Saddam Hussein has provided over \$10 million to the families of Palestinian homicide bombers.

Now, the question is, what has the international community been doing about all of this? The answer, Madam President, is not much. The much-touted doctrine of deterrence only works if agreements are enforced. Saddam obviously has not been deterred because no one has been willing to stop him from continuing his unlawful activities.

Saddam Hussein has failed to live up to his cease-fire obligations. The U.N. has failed to enforce them. President Bush described it succinctly in his speech before the United Nations:

Just months after the 1991 cease-fire, the Security Council twice renewed its demand that the Iraqi regime cooperate fully with inspectors, condemning Iraq's serious violations of its obligations. The Security Council again renewed that demand in 1994, and twice more in 1996, deploring Iraq's clear violations of its obligations. The Security Council renewed its demand three more times in 1997, citing flagrant violations; and three more times in 1998, calling Iraq's behavior totally unacceptable. And in 1999, the demand was renewed yet again.

If nothing else, the decade following the Gulf War has illustrated clearly the limits of U.N. diplomacy. But the U.S. does not have to participate in this folly. Our word must mean something. If we fail to force Saddam Hussein to comply with his obligations, we will have sowed the seeds of even greater and more threatening action in the future.

Is it possible that we could avoid military actions by accepting Iraq's offer to allow unlimited inspections? The answer, I submit, is no. It would

have been hard enough for UNSCOM, but it has been replaced by a new entity negotiated between Secretary General Kofi Annan and Iraq in 1998. Unlike UNSCOM, this new entity, the U.N. Monitoring, Verification, and Inspection Commission, known as UNMOVIC, is staffed by U.N. employees, rather than officials on loan from member governments.

The inspectors—who are not even required to have expertise in relevant weapon programs—will not be able to make effective use of intelligence information. They can't receive intelligence information on a privileged basis, and the information that they gather can't flow back to national intelligence agencies, like our CIA. As Gary Millholin, Director of the Wisconsin Project on Nuclear Arms control recently commented, "This eliminates the main incentive for intelligence sources to provide UNMOVIC with information in the first place." Since most of what we learned during inspections was the result of intelligence gathered from Iraqi defectors, it is doubtful UNMOVIC could produce much of value.

The absurdity of this set-up can only be trumped by the absurdity of believing that this commission could possibly succeed against a vicious dictator who has spent the last 11 years perfecting the arts of concealment and deception in a country the size of France. As David Kay, former head of the U.N.'s nuclear inspection team, recently remarked, "The only way you will end the weapons of mass destruction program in Iraq is by removing Saddam from power."

Let me repeat that. This is from the former head of the nuclear inspection team of the United Nations:

The only way you will end the weapons of mass destruction program in Iraq is by removing Saddam from power.

Here is the bottom line on the international community's ability to deal with the Iraqi threat: Since the end of the Gulf War, Saddam has a nearly perfect record in violating U.N. Security Council resolutions. The United Nations, in turn, has a nearly perfect record in failing to enforce them.

It is time to end this whole charade. Knowing that diplomacy will continue to fail, we have an obligation to act, and not allow diplomacy to be used as a weapon by a brutal dictator. That is a lesson we should have learned through our experiences with the likes of Hitler, Stalin, Ho Chi Minh, and Slobodan Milosevic. Moreover, too much is at stake to place American security in the hands of unaccountable bureaucrats at the U.N.

It is time for military action that will terminate the regime of Saddam Hussein and destroy his weapons of mass destruction. We cannot be assured of peace unless this threat is removed.

Some observers still insist that we should try to contain Saddam through the doctrine of deterrence. After all,

they say, we relied on deterrence to contain the Soviets for 50 years, and maybe that will work against Saddam. Mr. President, perhaps we should be thankful that we suddenly have so many new converts to deterrence, since many of these same voices were 20 years ago arguing instead for a nuclear freeze and unilateral U.S. disarmament. I'll remember their newfound commitment to deterrence as we attempt to deal with China's growing militarization in the coming months and years.

There are situations where deterrence can work. This is not one of them for two reasons. First deterrence has a shelf life. If there is no response to violations, a dictator is not deterred—the threat of retaliation is no longer credible. The U.N. has done nothing and the U.S. next to nothing. As a result, Saddam has not been deterred. In any event, containment and deterrence do not apply well in this case.

President Bush was absolutely correct when he declared at West Point that "deterrence means nothing against shadowy terrorist networks with no nation or citizens to defend;" and, "containment is not possible when unbalanced dictators with weapons of mass destruction can deliver those weapons on missiles or secretly provide them to terrorist allies."

While belatedly embracing deterrence, critics of force reject a doctrine of preemption. Yes, they say, there have always been situations where countries had to act with force to prevent some attack on them, but that's different from an announced doctrine of preemption.

There are several answers. The first is: no it is not. Preemption only applies to certain situations—like Iraq. Though Iran presents many of the same circumstances as Iraq, there are differentiating factors that make preemption less appropriate vis-a-vis Iran. There is no "outstanding warrant" as with Iraq; regime change could come from within Iran; and, militarily, force is much less an option—to name three differences.

Second, it is senseless to require a "smoking gun" in order to act. As Secretary Rumsfeld has said: "A gun doesn't smoke until it's been fired and the goal has to be to stop such an attack before it starts."

Since September 11, this takes on a whole new meaning. Don't think smoking gun—think World Trade Center and Pentagon.

As we stand here more than one year after 3,000 innocent civilians perished at the hands of vicious terrorists, we need to ask ourselves, do we really want to wait until another attack, perhaps one using weapons of mass destruction? What opponents really mean is, wait until just before such an attack, and only act if we're reasonably sure the attack is coming. Obviously, we can't count on knowing that, and the potential consequences are too great to risk it.

So the answer to that question is an emphatic no. September 11 changed everything, or at least should have changed everything, in the way we approach these matters. September 11 moved us out of the realm of international relations theory and into the realm of self-defense. If the President decides to move against Iraq, it will be an act of self-defense. And by voting to authorize the President to take that action, this body will be authorizing an act of self-defense. Knowing what we know, how could we explain inaction if we were subsequently attacked?

What's more, it should be obvious that if Saddam acquires nuclear weapons, it will give him the ability to deter us. We are already hearing arguments against the use of force because of the potential of Iraq using chemical or biological weapons against our forces. Consider having this debate a few months or years from now after we've ascertained that he definitely has a nuclear saber to rattle. This will make a move against Saddam, or any other American action in the Middle East, more dangerous, and in all probability, less likely. It is Saddam's dream come true. He will be able to check our actions. So, again, the time to act is now.

But, some critics say, we must wait for international approval. Mr. President, I submit that the proponents of "multilateralism," in addition to willfully ignoring the fecklessness of the U.N. and certain other countries, neglect the special leadership role that our country plays in the world.

It is no accident that it devolved to us to end German imperialism in World War I, stop Adolf Hitler in World War II, and defeat the forces of international communism in the Cold War. It is no accident that the oppressed peoples of the world look at us, rather than other countries or the U.N., as their ray of hope. That is why we lead, and why we must lead.

We are fortunate to have a President today who appreciates this. While much of the rest of the world insists on burying its head in the sand or clinging to failed approaches, President Bush understands that now is the time to confront Saddam. And while others insist on a false distinction between the Iraqi threat and the war on terrorism, President Bush has, as Noemie Emery has written in *The Weekly Standard*, connected the dots. In so doing, writes Emery, President Bush has, like Harry Truman when the Soviets encroached on Greece and Turkey in the 1940s, perceived "an ominous and enlarging pattern" that demanded a response. Emery continues, "Several presidents have had to wage wars, but only two, Bush and Truman, have had to perceive them, and then to define them as wars."

This is the essence of leadership. By perceiving that we can no longer afford to be attacked before we act, President Bush's doctrine of preemption allows us, where appropriate, to act first

against terrorist organizations and states.

Our use of force in self-defense against Iraq will also help liberate the beleaguered people of Iraq. Aside from the moral imperative, there are a number of tangible benefits to the United States that a more democratic Iraq will bring.

First, if real democracy can take hold, it will dispel the notion that the people of the Middle East are incapable of democratic governance, just as Taiwan and the Philippines have destroyed the "Asian values" myth in recent years. It's notable that the scourge of Islamic terrorism has been nurtured, not in democratic Muslim countries such as Turkey, but in repressive dictatorships like Iraq, Iran, Syria, and Saudi Arabia. A democratic regime in Baghdad will set an example and hopefully spark other badly-needed changes in governments in the region. And, in the long run, democracy will prove to be the antidote to Islamic-based terrorism.

A democratic regime that follows our removal of Saddam Hussein will also provide us with a new and reliable ally in this critical part of the world. The war on terrorism will almost certainly entail additional actions, and the intelligence, political support, overflight rights and the like from an allied regime in Iraq could prove critical to those efforts.

Lastly, a democratic Iraq will bring that nation's vast oil production capabilities back onto the world market. This will help the world economy by, among other things, lessening the ability of the Saudis and others to manipulate oil prices.

While I support this resolution and support using force to rid the world of Saddam Hussein, I do want to offer a few caveats.

First, our commitment to this effort must be total. Our goal here must be nothing short of the destruction of the current Iraqi regime. There is no other realistic way to permanently disarm Iraq of its weapons of mass destruction. And providing our Armed Forces with anything less than everything they need to accomplish that goal is unacceptable. And that includes the support of our intelligence community.

Second, after removing the regime, we must resist the temptation to rush home. As I just stated, there are enormous benefits in helping Iraq achieve democracy. However, it is most unlikely that Iraq can be stabilized and democratized without a significant U.S. presence after the defeat of Saddam.

There can be no questioning the fact that the U.S. occupation of Germany and Japan after World War II was critical to forging those two countries into the democracies they now are. I am not saying we need to copy those examples precisely, but it would be short-sighted and dangerous for us to leave a shattered Iraq on its own or in the hands of the United Nations after the removal of Saddam.

Third, we must not undertake this struggle on the cheap. We should make no mistake: this operation is going to require a great deal of manpower, weapons platforms and equipment, possibly for quite some time. Those forces need to come from somewhere, and our forces have already been stretched thin by the profusion of peacekeeping missions and the budget cuts of the 1990s.

Meanwhile, we need to maintain and, I would say, even augment our deterrent posture elsewhere in the world. For example, last year's Quadrennial Defense Review, mostly drafted before September 11, called for increasing our carrier presence in the Western Pacific. This seems to me to be quite necessary, given that we normally have only one carrier—the *Kitty Hawk*—in that region, but two potential conflict zones, Korea and Taiwan. Yet, when we began our operations in Afghanistan last year, the *Kitty Hawk* was called to duty in the Arabian Sea, leaving us with no carrier in the Western Pacific for months.

We will almost certainly face this situation again if we go to war against Iraq, and it is not something that we should ignore. The upshot, is that this body needs to come to grips with the need for a defense budget that supports the cost of operations like Afghanistan and Iraq, defense transformation and an adequate global force posture. At current spending levels, we are going to come up short of that goal.

Last, but not least, I believe the administration needs to be very careful in its diplomatic efforts to secure a new U.N. Security Council resolution. That body includes the terrorist regime of Syria, Communist China, which threatens our friends on Taiwan and sells fiber-optics to Iraq, and Russia, which has forged close economic ties with Iraq over the past decade. Principle, not expedience, must be our ultimate guide in dealing with these countries that hold the votes to deny or authorize U.N.-backed action.

If we need to make concessions to these regimes that undermine our interests elsewhere—in Taiwan, for example—then it is not worth securing their votes in the Council. Ultimately, we should be prepared to defend our interests with or without the U.N.

Which bring me to my conclusion, Mr. President.

This resolution we are considering today, and this action the President is contemplating in Iraq, is not about carrying out the will of the United Nations or restoring its effectiveness. It is not about assuring the world that the United States is committed to "multilateralism."

Section 3(a)(1) is the heart and soul of this resolution. It authorizes the President to use the Armed Forces of the United States to "defend the national security of the United States against the continuing threat posed by Iraq."

That is what we are doing here today, defending our national security.

It is a sobering, and humbling, task. But as members of the United States Senate, it is our solemn duty.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I compliment our distinguished colleague. I say to the Senator, even though you have given your statement, I anticipate this debate in the Senate will continue for 2 days, and perhaps you will find the opportunity to revisit the floor and, again, personally elaborate on your points.

Today, you have given a very important and timely historical context of the events, and the sequence of those events. And you have placed extremely important emphasis on what the U.N. is trying to do today, as we are right here, in fashioning an inspection regime that is much stronger than the one that is on the books from when Hans Blix was appointed. But I am sure the Senator observed Hans Blix, after visiting with Iraqi officials in Austria, said he would like to wait until the Security Council acted.

So what we are looking forward to now is the evolving process of a regime which I think has to meet the criteria established by our President and the Prime Minister of Great Britain, and others, before we can accept that as a workable solution. Would the Senator agree?

Mr. KYL. Madam President, I hope to have the opportunity to speak to this issue again, but I will say two quick things in response to the Senator from Virginia.

First, I note that Hans Blix has largely, it appears to me from news media accounts, agreed with the position of the United States on what would be necessary to conduct meaningful inspections that would result in the disarmament of Saddam Hussein because, as he noted, the object here is not inspections; the object is disarmament. And inspections would be but a way to achieve that.

Secondly, as I said, I think that only the most naive would believe that it is possible to have an effective regime, irrespective of what kind of resolution were adopted, as long as Saddam Hussein is in power. That is why I quoted the former U.N. inspection team leader David Kay, who made the point, with which I totally agree, that as long as Saddam Hussein is in power there, it is impossible to have disarmament of the kind that was called for at the end of the gulf war.

Mr. WARNER. I thank my colleague. Assuming the Security Council will act, I will personally await the judgment of our President and that of the Prime Minister of Great Britain with regard to the structure and effectiveness, potentially, of such a new regime.

In this debate we have sort of gone back and forth in a very effective discourse on the issues. I wonder if at this time I might ask unanimous consent that the junior Senator from Virginia, Mr. ALLEN, might follow our distinguished colleague, Mr. DOMENICI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I have 15 minutes, I believe.

The PRESIDING OFFICER. The Senator may proceed. He does.

Mr. DOMENICI. Madam President, I would like to talk about the Iraqi situation for a small portion of my 15 minutes.

The more I have been reading about this, the more I have been studying it, the more I come to an answer that I have to make as to whether I will give the President authority to use our military forces along with other countries so as to avoid the use of weapons of mass destruction by Saddam Hussein. I have to ask myself a question: How is he most apt to disarm? What is most apt to make him disarm? Talk? Resolutions? I think not.

When we are finished, a huge majority of the Senate will say this is not necessarily a question of war or peace.

This could be a question of whether an America armed for war, with the full knowledge on the part of Saddam Hussein that we are armed for war, and the President has the authority, might that bring about disarmament on the part of Saddam Hussein sooner than any other means that we know about thus far as we look at the Middle East and its various problems.

I ask unanimous consent to speak as in morning business on the American economy.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DOMENICI are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Virginia is recognized under the unanimous consent agreement for 15 minutes.

Mr. ALLEN. Madam President, I ask unanimous consent that I be able to speak for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Madam President, I rise to address the most pressing and difficult issue facing our Nation today. Over the course of the next few days, we will be debating in the Senate and we will vote on the most serious responsibility the U.S. Constitution delegates to Congress, which is authorizing the use of military force against another nation.

I have only been here for about a year and a half. I passed in the hallway the senior Senator from Virginia, John Warner, who told me, "This is the first time you will have to do this." He said he has been through this experience seven times. I am sure he takes the same sort of care and consideration each time. But for me, this is the first time I have had to face such a question and such an issue as to where I stand.

It is my view the use of military force to resolve a dispute must be the

last of all options for our Nation. Before entering into such a decision, it is absolutely necessary Government officials sincerely and honestly are confident they exhausted all practical and realistic diplomatic avenues and understand the short-term as well as the long-term ramifications and implications of such actions.

Exercising our best judgment based on the evidence of the threat, we must look at the consequence not only on the international community, but, more importantly, on the effect such action would have on the people of our country.

In considering the use of military action, my thoughts immediately turn to the people of the Commonwealth of Virginia. While the use of Armed Forces affects all Americans, it has traditionally had a significant impact on Virginia. The Commonwealth is home to literally tens of thousands of brave men and women who risk their lives to defend the freedoms we enjoy. The prospect of war places the lives of many of these men and women in jeopardy, and it means constant anxiety and fear for their families, wherever they may be based—whether in the U.S. or overseas, whether on land or on the seas.

I know from my experience as Governor how we rely heavily on the National Guard and Reserves whenever military action is necessitated, especially in the past decade. Military action will call up more Reserves and more of the National Guard when they are protecting our safety. It will disrupt those families and businesses and communities all across our great land.

This is not a decision I come to easily or without prayers for guidance and wisdom. The use of our Armed Forces means lives are at risk. The history of military action shows there are frequently unintended consequences and unseen dangers whenever the military is utilized. Fiscally, military action is expensive and can cause unrest both in the U.S. and international markets. When considering these outcomes, it is obvious using force to resolve the dispute is the least desirable and the last option for our country. But military action must remain an option for our diplomatic efforts to have any credibility or success.

I have listened and read comments from constituents and people all over this country, sincere words from the Religious Society of Friends and Pax Christi. They are well-meaning in pointing out their sentiments and the risks involved. However, we must weigh these risks and probable outcomes in the context of the threat Iraq poses to the U.S. and to our interests. I agree with the President, and the CIA, and the Department of Defense, and the State Department, that Iraq and Saddam Hussein's regime are a credible threat to the United States and our interests and our allies around the world. Because that threat is present and real, I believe the dangers

will become substantially greater with continued inaction by the international community, or the United States acting in concert with allies.

The "whereas" clauses of the resolution we are debating effectively spell out good reasons, and reasons I look at for authorizing the President to use military action, if necessary. Saddam Hussein has continually, brazenly disregarded and defied resolutions and orders to disarm and discontinue his pursuit of the world's worst weapons. To bring an end to the Gulf War and Saddam's violent attempt to occupy Kuwait, the Iraqi leader unequivocally agreed to eliminate chemical, biological, and nuclear weapons programs, as well as putting severe limits on his missiles and the means to deliver and develop them. Since that armistice was reached in 1991, it has been consistently and constantly breached by Saddam's regime, and has not been enforced at all by the U.N. for the past 4 long years.

Can one imagine a nuclear weapon in the hands of Saddam Hussein? Let's not forget this is a head of state who has demonstrated his willingness to use chemical weapons on other nations and his own citizens with little or no reservation.

If the current Iraqi regime possessed a nuclear weapon, it would drastically alter a balance of power in an already explosive region of the world. Such a capability would renew Saddam's quest for regional dominance and leave many U.S. citizens, allies, and interests at great peril.

This man has no respect for international laws or rules of engagement. I share President Bush's fear that increased weapons capability would leave the fate of the Middle East in the hands of a tyrannical and very cruel dictator.

Most dangerous, currently, is not his desire to have nuclear weapons, but stockpiling of chemical weapons, the stockpiling of a variety of biological weapons; and also his missile range capabilities, that far exceed U.N. restrictions.

There is another concern not only that he has stockpiled biological and chemical weapons and the means of delivering them, but also the justifiable and understandable fear that he could transfer those biological or chemical agents to a terrorist group or other individuals. After all, Saddam Hussein is the same heartless person who offers \$25,000 to families of children who commit suicide terrorist acts in Israel.

The goal of the United States and the international community needs to be disarmament. Saddam Hussein must be stripped of all capabilities to develop, manufacture, and stockpile these weapons of mass destruction, meaning chemical, biological agents, and the missiles and other means to deliver them by himself or by a terrorist subcontractor.

If regime change is collateral damage of disarmament, I do not believe there

is anyone in the world who will mourn the loss of this deposed dictator. True disarmament can only be accomplished with inspection teams that have the ability to travel and investigate where they deem appropriate. To ensure they have full access to inspections is a key component of what the President of the United States is trying to get the United Nations to do.

We are trying to get full and unimpeded inspections. It would be appropriate for us to say noncompliance would result in forced disarmament.

The U.S. and the world cannot afford to have this mission undermined by wild goose chases and constant surreptitious, conniving evasion and large suspect areas being declared by Saddam to be immune from inspection.

I commend President Bush for recognizing the importance of including all countries in this effort. His statement to the United Nations on September 12, 2002, clearly and accurately spelled out the dangers Iraq poses to the world. By placing the onus on the United Nations, the President has given that international body the opportunity to re-establish its relevance in important world affairs, and finally enforce the resolutions that its Security Council has passed for the last eleven years.

Passing a new resolution will increase the credibility of the United Nations, which has steadily eroded since the mid 1990s. The Security Council has an obligation to provide weapons inspectors with the flexibility to accomplish their mission. This can only be realized if a resolution is passed with consequences for inaction or defiance.

That is why as the United Nations debates a new and stronger resolution against Iraq, the United States must be united in our resolve for disarmament. Passing a resolution authorizing our President to use military force in the event that diplomatic efforts are unsuccessful sends a clear message to the international community that Americans are united in our foreign policy.

I respectfully disagree with the premise that the President must first petition the United Nations before asking Congress for authority. I question: How can we expect the United Nations to act against Iraqi defiance if the U.S. Government does not stand with our President and our administration's efforts to persuade the United Nations and the international community to enforce their own resolutions?

It is right for us to debate the resolutions before the Senate, to voice concerns and sentiments in support or opposition. Each Member will take a stand and be accountable, and when the debate concludes, I respectfully ask my colleagues, when a resolution is agreed to, stand strong with our troops, our diplomats, and our mission. From time to time, one sees elected officials who moan in self-pity about having to make a tough decision that may not be popular. Well, I know the vast majority of the Senators, regardless of their ultimate position on this

issue, can make tough decisions with minimal whimpering. Senators have all been elected by the people of their States to exercise judgment consistent with principles and promises.

As the Senate debates the merits of each resolution, it must be prepared for the possibility of continued inaction by the United Nations. Americans cannot stand by and cannot cede any authority or sovereignty to an international body when the lives and interests of U.S. citizens are involved.

I believe it would be a grave mistake for the United Nations to shirk its responsibility regarding Iraq; however, a consensus might not be reached with all nations on the U.N. Security Council. If that circumstance arises, the United States and the President will have a duty to garner as much international support as is realistically possible.

Blissful, delusional dawdling, wishful thinking, and doing nothing is not an option for the United States. However, continuing the diplomatic work in face of the Security Council veto is necessary not only for diplomacy, but to gain allies to help shoulder the logistical and operational burdens that would be a part of any military campaign.

It is true the United States can disarm Saddam Hussein alone. However, as we continue to pursue the venomous, vile al-Qaida terrorists and other terrorist supporters, we would greatly benefit from allied support in these extended efforts. I believe we will see more allies join this effort to disarm Saddam Hussein's regime. Britain will not be our sole teammate in this effort. As other countries begin to understand the severity of the threat, they will recognize it is in their best interest to disarm Iraq.

The UK along with Spain, Italy and some countries from the Middle East have supported our position. Kuwait, Qatar, and the Saudis have also indicated that maybe they will not send troops in, but have offered logistical bases that would be helpful for our tactical air strikes.

We do not want to make this a war against a particular group or certain religious beliefs. We must guard against any rhetoric or statement that is targeted against Muslims or Arabs. Our mission is to protect the United States, its allies, and interests by upholding internationally agreed-upon resolutions to disarm Iraq of biological, chemical, nuclear, and missile technologies. I urge the President to make absolutely clear that in the event we have to seek support from allies, that we continue to do so in the Middle East.

As a member of the Foreign Relations Committee, I have participated in committee meetings and top secret briefings and analyzed this issue very closely, and with questions. After reviewing the several resolutions offered by our colleagues, I believe the best way to provide the President with the

authority and the support he may need is by passing the authorization for use of military force against Iraq.

This resolution, introduced and offered by Senator WARNER and Senator LIEBERMAN, as well as Senator MCCAIN and others, gives the President the authority and flexibility to ensure the protection of the United States. I am particularly pleased that the resolution will task the President with determining that diplomatic means will not adequately protect the national security of the United States. This determination will ensure the United States is exhausting every diplomatic option before authorizing the use of our Armed Forces.

I refer to section 2 on page 7 of the resolution and those clauses therein: Where the Congress of the United States supports the efforts of the President to strictly enforce United Nations Security Council resolutions applicable to Iraq and encourages him in those efforts. It also encourages the President to obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion, and noncompliance, and promptly and strictly complies with all relevant security resolutions.

I interpret this as also, in dealing not just with the United Nations, but also garnering allies in the process.

I will continue to listen intently to the debate on all the resolutions regarding Iraq. However, I truly and sincerely believe that Senate Joint Resolution 46, which I referenced earlier, will provide a sense of the Senate that the Congress, and most importantly, in our reflection in representation, a reflection that Americans are united behind our President and we support efforts to garner allied and U.N. support in the event that diplomatic options fail to disarm Saddam Hussein.

We all know that Saddam Hussein is a vile dictator with regard for only his own survival. He compromises the well-being of all Iraqis in his efforts to maintain power and accumulate wealth. History shows the Iraqi leader only responds when there is a gun put to his head. Sweet talking will not do any good with this man.

Now we are seeing this phenomenon play out as he allows weapons inspections to resume only after intense, consistent pressure from the international community. But even then what we are seeing again is the same shell game of conditions and prevarications that led to the departure of inspectors 4 years ago. We must not allow him to continue with these ploys of deception.

I do not believe any American welcomes the prospect of deploying our brave men and women for military action. However, standing strong and united as a country, together with our President, our diplomats, and our defense forces, and in favor of congressional authority to use force if it is absolutely necessary, is the best way to ensure Saddam Hussein is disarmed and military conflict is actually avoided.

The greatest responsibility of this Government and its officials is to protect and ensure the national security of the United States and our citizens. We know Saddam Hussein poses a threat to our country, and it is incumbent upon every Member of this body to help neutralize that threat. I am hopeful this problem will be resolved peacefully, through international diplomacy. But in the event those efforts fail, I do not want our President to be hobbled without the authority to protect the citizens of the United States of America.

Therefore, when my name is called, I will stand with President Bush, stand with our diplomats, stand with our troops and support this serious and necessary resolution, which is designed to save innocent American lives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Madam President, I think this is one of the most serious issues I have ever addressed on this floor, and I thank Lindsay Hayes and Karina Waller, who are with me today, for their help in preparing this statement.

There are few of us still around who lived through events which led to World War II. I was in high school, as a matter of fact, and I studied Hitler's actions month after month in history class. I vividly remember watching the world appease Hitler while he pursued an aggressive military policy aimed at dominating the world.

The current situation reminds me of the agreements we studied in high school which were made after World War I. Hitler just waved them away. When Hitler flaunted the terms of the Versailles Peace Treaty, France and Britain did nothing to enforce it. When Hitler occupied the Rhineland and the Anschluss in Austria, no nation tried to stop him. Instead, the world repeatedly gave into an obnoxious, aggressive leader to avoid war.

When I was a senior in high school many of my friends left school to enlist. I left Oregon State College in December of 1942. Only seven of us in the Senate today served during World War II, but as one who fought in China, the "Forgotten War," I see the next Hitler in Saddam Hussein.

Senator WARNER, Senator INOUE, Sam Nunn, and I also experienced the horror of the gulf war firsthand. In 1991, in an Israeli defense conference room we were told a Scud had been fired at Tel Aviv, which is where we were, and it could be carrying chemical or biological agents. Gas Masks were passed around the room and we waited about 20 minutes before being told that the Scud had fallen. The next morning we went to locate the Scud and found that it had been grazed by a Patriot missile. It had hit an apartment complex.

This was quite an interesting experience to Senator INOUE and I because several years before this incident Sen-

ator DAN INOUE and I had demanded that the anti-aircraft Patriot be modified to become an anti-missile system, and we were in Israel witnessing the use of that Patriot system.

Over 20 years ago, the Israelis saved the world a great deal of pain when they destroyed the Iraqi nuclear reactor. That action delayed an Iraqi bomb by at least 15 years, and that raid also made Hussein more cautious. Today he has spread out and carefully concealed his military-weapons infrastructure to make destruction of those weapons more difficult.

We seek peace.

We abhor war.

We work to assure our military capacity is second to none because we believe in this new world no nation has time to re-arm. We must be ready instantly to defend our interests at home and abroad or perish.

Our President is right to shake Hussein's cage. The Middle East is a tinder box, but only one nation has the ability to ignite the entire world, and that is Iraq.

Saddam Hussein cannot be allowed to expand beyond his borders again and he cannot continue developing weapons of mass destruction.

President Bush has an important role as the leader of the free world as he repeatedly states there is a menace in Iraq and it is growing.

This is the most serious situation we have faced since World War II.

Since the end of the Persian Gulf war, our forces have been enforcing the United Nation's mandate that there should be two no-fly zones in Iraq. Our planes fly patrols for the United Nations, over those no-fly zones daily and have been shot at almost every day. We cannot allow this continued risk to the lives of our own pilots.

The threat of weapons of mass destruction was real during the Persian Gulf war. It is even more real today. Five years ago, weapons inspectors were forced out of Iraq. Based on classified briefings I have received I have no doubt that Saddam Hussein has used this opportunity to expand his weapons program.

Iraq has not accounted for hundreds of tons of chemical precursors and tens of thousands of unfilled munitions canisters. It has not accounted for at least 15,000 artillery rockets previously used for delivering nerve agents or 550 artillery shells filled with mustard gas. When inspectors left Iraq in 1998, the regime was capable of resuming bacterial warfare agent production within weeks. Hussein has had time to produce stockpiles of anthrax and other agents, including smallpox, and he is not afraid to use these weapons.

He has used weapons of mass destruction against Iranians, against his own people, and, I believe, against some of our military in the gulf war.

When Hussein begins blackmailing his neighbors and using his resources, The world will face an impossible situation. If Hussein's weapons program

continues unchecked our allies—his neighbors—face an unconventional threat of immense proportions—a threat more horrible than all Hitler's legions.

The President needs our support to form a coalition that can confront this crisis. We must grant President Bush the same powers that Congress has given his predecessors.

We must pass this resolution now or our children, or our grandchildren, are going to shed a monstrous amount of blood to deal with this threat in the future.

Hussein will use these weapons if he is not stopped now. He will become a Hitler. He will continue as Hitler started—dominating one country after another. With the weapons he has, he need only to threaten their use, or to use them as he did in Iran. Then ours will be a terrible dilemma: how does the world deal with a madman who has weapons against which the world cannot defend?

If any Senator has doubts about this resolution, I ask them to ask themselves this question: is Saddam Hussein really ready to become part of the family of nations again? Can anyone on this Senator floor answer that question "Yes"?

The U.N. has told Hussein that he must disarm 16 times. Sixteen times he has defied that body. He has lied. He has not once complied. Between 1991 and 1998, Iraq practiced a series of deceitful tactics designed to prevent U.N. inspectors from completing inspections. The same course of action will bring the same results.

As I have traveled at home, I am often asked "How do we know Hussein is so bad?" Our intelligence agencies have developed an enormous amount of evidence on his activities, his use of weapons of mass destruction, and his lies and deceptions. Unfortunately, this information is mostly classified to protect sources and methods by which the information was acquired.

As one of the Senate who is briefed on a regular basis I believe our intelligence agencies understand the nature of the threat Iraq poses. However, while it is likely that Iraq has large amounts of biological and chemical weapons, our knowledge of their ability to deliver those agents against long-range targets outside of Iraq is limited.

To assure the formation of a coalition to contain Hussein, we must pass this resolution.

The President must have this authority. We want the U.N. to demand full inspections before this threat becomes even greater. This Congressional authorization to use force if necessary will send a message to the United Nations: Congress is united. We stand behind our Commander in Chief.

In 1945 the world community gathered together to denounce the atrocities committed by Hitler and form the United Nations. That action made a commitment to protect succeeding generations from the scourge of war

and promised such horrors would never again take place. Now it is incumbent upon the United Nations to fulfill that promise. The U.N. must send a message that the international community will not tolerate regimes which commit genocide against their own people, employ weapons of mass destruction against other countries, and harbor terrorists.

The world community must confront this Iraqi threat. This resolution gives the President the support he needs to convince the U.N. to join in building that coalition.

United States policy must be clear. Should the United Nations fail to live up to its promise, this resolution authorizes the President to take the necessary steps to protect the United States and ensure the stability of the world community.

With this authority the President may state clearly to members of other nations: Are you with us? Do you support our determination to face this threat now?

We are not alone, Great Britain and other nations are already supporting our President.

A new history of international courage can be written now. This generation need not endure a long and bloody world war if our leaders stand together and state clearly: the world will not condone defiance and deception, we will not allow a dictator to rise from the ashes of defeat to menace the world with awesome weapons.

I support our Commander in Chief.

I shall vote for the administration's bipartisan resolution.

Our Nation is the last real superpower. The burden of that status is that every nation in the world must know we will use our military force, if necessary, to prevent tyrants from acquiring and using weapons of annihilation.

It is my belief that with this authority President Bush may prove that determination to the United Nations and there will be a coalition that will bring peace through strength to the Middle East.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Virginia.

Mr. WARNER. I thank our distinguished colleague from Alaska. It was very helpful for him to make references to his knowledge of the pre-world War II days. He had a very distinguished career in World War II as a member of the Army Air Corp and as a pilot. I had a very modest one at the tail end, just in training, in the Navy. But both of us remember that period very well.

The Senator emphasized quite forcibly the need for the United Nations to face up to this. Having lived through that period, we remember the League of Nations. We remember the blatant attack by the Italian military under the leadership of Mussolini against then Abyssinia, now referred to as the nation of Ethiopia, and how the league began to look at that situation, and

look at it and look at it and look at it and did nothing, and then the aggression during the attacks by Japan on China.

The Senator recalls these periods in history. Eventually the league went out of business. It fell into the dust bin of history and in some small vestige was absorbed into the United Nations.

I have a strong view, and I think our President has made reference to this, that unless the United Nations lives up to its charter and assumes the responsibility of enforcing its own Security Council resolution, that organization, too, could fall into the dust bin of history, not unlike the League of Nations.

Does the Senator share those views?

Mr. STEVENS. I certainly do. I share deeply the views of the Senator from Virginia. It does seem to me that we should have learned a lesson from the period of World War II. It took a terrible attack upon Pearl Harbor to bring us to the point where we were willing to enter that war. Our Nation was part of the group trying to brush Hitler under the rug, thinking somehow or another this would go away. But President Roosevelt, to his great credit, had the courage to stand up and try to find ways to help those who were willing to stand in Hitler's way.

Now is the time to recognize that once a person becomes President of the United States and becomes Commander in Chief, there is an awesome responsibility, and particularly after the events of September 11 of last year, we have to recognize that as Commander in Chief he needs our support. Politics in my mind has always stopped at the water's edge. We ought to be united behind our President when he is dealing with problems such as Saddam Hussein. We certainly ought to be united in terms of voicing the sentiment that the United Nations must stand up and be counted this time.

Sixteen times. How many times does he have to go to the well before he finds out that he must comply with these U.N. mandates? There is enough evidence out there now that Saddam Hussein has failed to comply with the mandates that give rise to a world coalition to contain him. We thought we already had.

We have our Coast Guard stopping ships going into the station. We have pilots flying over the two no-fly zones every day. And on the ground he has palaces all over the place and will not let anyone know what is in them.

Mr. WARNER. Might I add that those pilots to whom the Senator referred, American and Great Britain, were shot at 60 times in just the month of September alone and they have been at it now for over a decade. It is the only enforcement of any resolution undertaken by any of the member nations. It is the United States, Great Britain, and at one time France. They have now discontinued. That is the only enforcement of any resolution.

Mr. STEVENS. I have spoken to those young pilots at the Prince Sultan

airbase in Saudi Arabia and at our offices in Kuwait and even in London. Many of our own pilots who flew those missions day in and day out did not reenlist. They just got tired of the stress of flying over the no-fly zone and being shot at daily by missiles that are capable of downing their aircraft.

Thank God we have some of the systems to defend against those missiles, but the U.N. has absolutely had blinders on. They have not even seen that. Both British and American pilots are shot at daily by this person. Why? Because they are flying over no-fly zones. They have every right under international law to be there because Saddam Hussein agreed they could be there.

Mr. WARNER. In writing.

Mr. STEVENS. In writing.

He is shooting missiles at them every day.

It is high time we did away with that concept that the area of Baghdad is off limits. If they down an airplane, I don't think there is any question in the world we should declare war against them because he has violated the United Nations agreement he entered into himself. The idea of allowing him to shoot at pilots day in and day out with impunity is totally beyond my comprehension.

Mr. WARNER. The purpose of this resolution is to prevent a pilot from being downed. If we are resolute in this Chamber, if we clearly show, not only to the American public but to the whole world, that we stand arm in arm with our President, no daylight between us which can be exploited by Saddam Hussein and perhaps weak nations—if we are arm in arm, it is the extent to which this United Nations is more likely to fulfill its obligations under the charter and, hopefully, devise a resolution which can bring about an inspection regime which has teeth in it this time, and make it very clear if Saddam Hussein's regime does not live up to it, then member nations such as ours and others in the coalition can utilize and resort to force.

Mr. STEVENS. Mr. President, the Senator is absolutely correct. The real problem is until the members of the United Nations know we mean business, they are not going to come and join a coalition. It takes money, it takes time, it takes commitment, it takes internal debates like this in every democracy. But the necessity is there for us to tell the world we are ready. We are ready to bring an end to this man's deceitful action against the world. But until we do, who is going to join a coalition until they know the superpower is really in there? We have to put our money on the table first. We have to put our hand out there to anyone who is ready to join this coalition, to say: We are there. Are you with us or not? If you are not, then you are not part of history, as far as I am concerned. History will read the nations who stood together and stopped Saddam Hussein, saved the world, as well

as those who joined with us in World War II saved the world.

I think this threat is even worse, though, than the one we faced. It is the most awesome thing possible, the more I learn about these weapons he has, weapons of mass destruction that can be deployed and used in so many ways. To think a person is there who has been willing to use them against Iran, against his own people, the Kurds. I still believe some of the problems our people had in the Persian Gulf war came from his testing some of those weapons. There is no question in my mind.

Mr. WARNER. My colleague is absolutely right. Now with the transportability of some of those weapons of mass destruction, and if he were to place them in the hands of the international terrorist ring—I don't say he hasn't done it already. We don't have the specific knowledge—that is an imminent danger to the United States.

But you concluded on history. I would like to read one brief statement. June 1936, Haile Selassie, Emperor of Abyssinia—Ethiopia today—in an appeal to the League of Nations.

I assert that the problem submitted to the Assembly today is a much wider one. It is not merely a question of the settlement of Italian aggression. It is a collective security. It is the very essence of the League of Nations. It is the confidence that each state is to place in international treaties. It is the value of promises made to small states that their integrity and their independence shall be respected and ensured. It is the principle of equality of states on the one hand, or otherwise the obligation laid upon small powers to accept the bonds of vassalship. In a word, it is international morality that is at stake. Do the signatures appended to a treaty have value only insofar as the signatory powers have a personal, direct and immediate interest involved?

The rest is history. The League did nothing but debate and debate and did nothing. And this country perished.

We are at that juncture now, I say respectfully to the United Nations. Will they fall into the dustbin of history as did the League?

I thank my colleague.

Mr. STEVENS. Mr. President, the Senator and I are of another generation. There is no question about that. I never thought I would live to see the day I would say there is no question in my mind this is a greater threat than what we faced when we were young. But we had time. There was time to adjust. Even in the Persian Gulf war, we had time to take the actions that were necessary to evict Saddam Hussein's likes from Kuwait.

But now it is not a matter of time. I am convinced the clock is ticking on the world as far as this threat is concerned. These are weapons of mass destruction. Even one of them should lead a person to have some fear. The only thing we can do is to join together with the world.

Someone said to me the other day we can't do it alone. Whoever said that is absolutely right. This is not something one nation can do alone. But this is

something where one nation can lead. That is what is happening right now. We must lead. We must form this coalition, and we must convince the U.N. to be a part of that coalition and to be firm. And this time—this time, to know either they enforce those mandates that come from the U.N., or we will lead the world to enforce them. It must be done.

Mr. WARNER. Mr. President, we thank our colleague. The advancement of technology is what makes things different. The advances of technology are what underlies this doctrine of preemptive strike, which our President says must be addressed now, not only by our Nation, but other nations that wish to protect themselves and their own security. That is a very important issue, and I give great credit to this President for having the courage to bring to the forefront of the world—not just the United States, but the forefront of the world—the threats we face with now rapid technology and the development of weapons of mass destruction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I want to praise my two learned, worthy colleagues who have done so much through the years to make sure our country is free and many areas of the world are free as well. I want to associate myself with their remarks.

I was particularly impressed with the remarks of the distinguished Senator from Alaska, whom we all revere and respect, and, I might add, particularly with the remarks of the distinguished Senator from Virginia. I was very aware of the Abyssinia problem—now we call it Ethiopia. I think his point is well taken. I would just like to associate myself with the remarks of both of my dear colleagues.

I ask unanimous consent I be allowed to use such time as I need.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, this week, as we know, we debate the most serious topic Congress can ever face, whether we will authorize the President to use force to address a looming threat to our national security. Right here and now I wish to say I will support this President, should he determine we need to deploy the military of the United States to force Iraq into compliance with the resolutions of the international community requiring it—transparently and permanently—to disarm itself of weapons of mass destruction.

If this requires the removal of Saddam Hussein from power, as I believe it will, I will support this President's policy of regime change, and I respectfully urge my colleagues to join me. It may be early in our Senate debate on this resolution, but we have been discussing our policy options for years. The President and his advisers have regularly consulted with us, with our allies, with the international community, and with

the American public. As a result, I believe this administration will act with a coalition of willing nations, fully within the boundaries of international law, with the support of this Congress, and with the support and prayers of the American people.

I am honored to have served the people of Utah for 26 years. Utahans are a patriotic people. Almost all, Republicans and Democrats, will support the President of the United States when he makes his final determination the vital interests of this country are at risk and we must take military action to protect those vital interests. Tonight the President will make that case before the American people, and we will all listen intently to his words.

As a Senator who represents the interests of Utah but also the interests of our country, I know a decision on the use of force is the most serious consideration I can make because the costs may be measured by the ultimate sacrifice of good Americans. I make this decision with the deepest of study and prayer, and I offer my prayers to support any President who must make such a final decision.

President Bush has acted conscientiously and openly in determining his administration's policy toward Iraq. I do not understand criticisms of this administration as being secretive, unilateral, militaristic, and uncooperative. From my perspective, none of these adjectives represent an objective reality. President Bush has warned us of the threat from Saddam Hussein's Iraq since he stepped into the national spotlight during the Presidential campaign. I was there. He has been expressing what most observers, expert analysts, and honest brokers have long recognized.

Iraq has broken all of its pledges to cooperate with the international community and disarm;

Iraq has refused to allow international inspectors since 1998;

Iraq has never completely accounted for materials used for weapons of mass destruction, specifically biological and chemical weapons, since its defeat in 1991;

Iraq has violated every U.N. resolution passed since 1991;

Iraq has repeatedly fired on U.S. and allied aircraft patrolling the northern and southern "no-fly" zones;

Saddam Hussein has continued to threaten his neighbors and has never ceased his hostile rhetoric toward the United States;

And, Iraq has never proven to the international community that it has abandoned its pursuit of nuclear weapons.

In fact, as a member of the Senate Select Committee on Intelligence, I can tell you Iraq has never really abandoned that.

Charges that the President has been unilateralist are completely unfounded. The pace of diplomatic activity conducted by administration officials in the capitals of our friends and

allies, as well as in Geneva and in New York, is as active as any administration's diplomacy in modern times. Every day there is another respectful consultation, as the President's Secretaries of State and Defense, and the National Security Adviser's team, have repeatedly demonstrated.

The President's speech before the United Nations 1 day and 1 year after September 11 was the most eloquent and forceful presentation of a U.S. President before that body.

His appeal was ethical and it was logical. He stood before the body of the international community and he said:

The United States stands with you behind the resolutions that are the core reason for this body's existence.

If this body is to mean anything, the President logically implored, then this body must stand behind the resolutions that Iraq is flaunting today.

Never before has a President made such a dramatic and persuasive appeal before the U.N.

Never before has the U.N. been confronted with such a clear choice: Stand by what you say . . . or stand aside in irrelevance.

The President has consulted with every Member of Congress, and with most of us many times.

His representatives have dutifully and constructively testified before numerous of our committees, and they have always been available for more discussions when needed.

While the Constitution gives the foreign policy-making prerogative to the executive branch, I have always thought it sound judgment that a President voluntarily seek support and authorization from the U.S. Congress.

Clearly, that is what this President has done with numerous consultations over the past weeks, including discussions that have culminated in this resolution we will debate this week.

This administration has respectfully included the public in this most serious of deliberations. Virtually all of these presentations, testimonies, and speeches have been done in the public eye.

While a few congressional briefings have had to be conducted in closed settings due to the necessary review of classified materials, the arguments and most of the evidence for the determination of this administration's policy on Iraq have been there for the public to judge.

The President's speech tonight will crystalize for the American people the important decision before us.

In the past 2 weeks, there have been a few partisan eruptions.

I believe we should never shirk from debate, and I believe that the matters of war and peace must be thoroughly debated as long as we recognize that, in the world of human affairs, there is no perfect wisdom, particularly of how the future will unfold.

But let us not presume there are limits to good faith.

There is not a single Democrat or Republican who glibly supports a decision that may have the consequence of shedding blood.

And there is no Democrat or Republican who would ever seek to jeopardize the national security of this country by refusing to engage a threat that is looming.

The decision to go to war cannot, must not, ever be a function of politics.

In 1996, I warned that Osama bin Laden was a threat to this country. Bin Laden's activities had been of concern to a few prior to this. But, in that year, a number of interviews and articles with this man led me to conclude that he had large and evil intentions. I believed that he would distinguish himself from other terrorists by taking his grievances out of his homeland and his region and that some day—at a time we could not predetermine—he would be a threat to this country.

I cannot raise this point with any pride. I warned about bin Laden, and many good people in the intelligence and law enforcement agencies began to respond to this growing threat.

For reasons the historians will someday study, based in part on the inquiries we have already begun, we did not stop bin Laden. And he brought the terrorism war home to us.

Two years later after I first warned about bin Laden, he attacked two U.S. embassies in the same morning, destroying buildings, and killing American diplomats and their families, as well as hundreds of Africans in Nairobi and Dar es Salaam.

A few days later, the President addressed the Nation, telling us he had responded to the Africa attacks by bin Laden with cruise missiles against Sudan and Afghanistan.

While some raced to criticize him for "wagging the dog" trying to distance himself from the unfolding drama of his personal troubles I personally spoke out and approved of the President's initiative.

I was in Salt Lake at the time. Because I had raised bin Laden so many times and had become thoroughly involved in trying to help the President with some of his problems, they interviewed me there, and I said at that time that he did the right thing, but I also said he should follow up and not just do it once.

We were attacked and the U.S. had to respond, because if we did not respond, our passivity would invite further attacks.

I also urged the President not to let that be a single set of strikes. I knew that any response we made short of eliminating the threat of bin Laden would embolden bin Laden.

Since the days after September 11, I have often thought of those key moments in the late 1990s. I do so not to cast blame. The lives lost in New York, at the Pentagon, and in that Pennsylvania countryside will always be a reminder of how we failed to anticipate, failed to respond, failed to eliminate a threat we knew was out there.

But let these not be lessons lost.

The lives lost in New York, Washington, Pennsylvania, and in our cam-

paign in Afghanistan demonstrate that if we are not prepared to engage an enemy before he strikes us then we must accept that we will pay a cost for pursuing him afterward.

To me and to many Utahns and citizens throughout the Nation, the lesson of September 11 is: do not wait for your enemy to attack—especially when he has access to weapons of mass destruction.

If you have evidence of your enemy's capabilities and with Saddam Hussein we do and if you have evidence of his enmity and with Saddam Hussein we do—then do not err on the side of wishful thinking. With enemies with the destructive capabilities of Saddam Hussein, we must be hard-headed.

The administration has argued that Saddam's Iraq poses a threat, a threat that must be eliminated. If we cannot eliminate the threat of weapons of mass destruction through coercive, thorough and comprehensive inspections backed by the threat of force supported by the international community—then the U.S. must seek to build our own coalition of willing nations to disarm Iraq by force and allow for a regime that will replace Saddam and return Iraq to the community of nations.

I believe the President should continue to work with the international community to seek ways to disarm Iraq short of military intervention. Military force should never be our first course of action.

But I will not support a resolution that conditions our authorization on actions by the United Nations.

Such a move would set a precedent over sovereign decisions conducted by this country to defend its national interests.

Supporting such language would, in my opinion, infringe upon the constitutional prerogative that resides with the President to conduct and manage the Nation's foreign policy.

Congress must resist attempts to micromanage a war effort.

The resolution we debate today is an authorization. But, the timing and modalities of action need to be—and must be controlled by the administration, with consultation wherever possible, so long as that consultation does not hamper the war effort.

Traditional geopolitics requires us to think about national security in categories of our interests.

Our vital interests are defined as the security of our homeland and our way of life; we must defend them at any costs, and we must be willing to defend them alone, if necessary.

There are areas of vital national interest to this country, that if they were threatened or succumbed to hostile control, would jeopardize our homeland or our way of life.

They are: the Western Hemisphere; Japan; Europe; and the Persian Gulf.

Saddam Hussein continues to threaten the stability of the Persian Gulf. From this perspective, I believe that the frightening capabilities of

Saddam's chemical and biological weapons pose a threat to the region, and to the stability of the Gulf, and therefore to our vital national interests.

In addition, nontraditional geopolitics recognizes that international phenomena other than nation states must be considered when assessing the national security of the United States.

Terrorism is the number one non-traditional threat to the U.S. today. This may seem obvious after September 11. It was not obvious enough before September 11.

The American people know that we are at war with al-Qaida.

The American people recognize that never again can we be complacent about threats to this country and our interests.

And the American people understand that this war on al-Qaida cannot be used as an excuse to ignore other grave threats, such as the threat that Iraq continues to pose.

We should not assume that Saddam Hussein will politely stand in line behind al-Qaida.

With the questions remaining about Iraq's weapons of mass destruction, with too many suggestions of Iraq's ties with terrorists, and with no question about Iraq's animosity to the United States, and other countries as well, including many in the Middle East, should the United States consider an option of doing nothing, or too little, as we did with al-Qaida before September 11?

Perhaps, as a result of the diplomatic pressure building on Saddam Hussein in recent days, his regime will comply with a forceful and comprehensive international inspection regime.

However, we should not for a single moment forget Saddam's history of obfuscation and delay. His record of non-compliance is 100 percent. Any inspection regime which we agree to support must complete the actions required in all Security Council resolutions, including the ones being drafted now, that would demand compliance with inspections or face the use of force.

Some have suggested that a war on Iraq would be the beginning of a radical doctrine of preemption—that we are now setting a precedent for unilateral military action against regimes that we find odious.

The idea of "preemption" is as old as Grotius, the father of international law, who wrote in the 17th century.

U.S. policymakers have never fore-sworn the option of preemption, and have never seen the U.N. Charter as restricting the use of preemption in the event of a threat to our national security. There are many examples of this thinking in both Republican and Democratic administrations.

Recall that U.S. nuclear doctrine never adopted a no-first-use policy.

Nor is the policy decision we are facing today opening up a new, militaristic, and unilateral approach to dealing with other countries with which we have conflicts.

Some have suggested that, if we authorize the use of force against Iraq, we are automatically implying that we support the use of force against the other two countries in the "axis of evil" termed by the President.

Today, the administration is using diplomacy to control the ongoing confrontation on the Korean Peninsula.

And while Iran remains a geopolitical threat, as it continues to fund terrorists operating in the Middle East, and is extending its influence in Afghanistan, the political foment within Iran is also providing a challenge to that Islamic fundamentalist dictatorship, as more and more Iranians seek to overthrow their corrupt and repressive tyranny.

Despite some leftist revisionist histories, America has always been reluctant to use force overseas. As a democracy, we are imbued with values of caution and respect for human rights, reluctance and a desire to let other nations choose their own paths.

But the world changed for us on September 11, 2001.

The American people are patient, but we should never let that patience be used against us. As the President has said, if we are to wait until we have definite proof that Iraq intends to use weapons of mass destruction against us, then it may be too late.

For too long, we were hesitant to attack al-Qaida, presuming that they would never dare to attack us in the heart of our financial center, at the core of our defense establishment, in the openness of our commercial airways. We were wrong.

Can we accept the consequences of being wrong with Saddam Hussein's Iraq?

If this Congress authorizes the use of force, and if the President concludes that force is the only option in removing Saddam Hussein from power and disarming Iraq of weapons of mass destruction, then I believe that every member of this body will fully support our President and our Armed Forces.

Iraq has been in a dangerous geopolitical limbo since Saddam Hussein was ejected from Kuwait in 1991, and then left to oppress his people over the ensuing decade.

If the United States must act to remove Saddam Hussein, we must be committed to help reconstruct Iraq. This will take sustained policy focus. The U.S. will, once again, pay for a large portion of the costs of war. We would expect our allies to pay for a large portion of the reconstruction.

U.S. policy must commit to the long-term stability of Iraq. We must work with the various Iraqi ethnic groups to build their own vision of a tolerant, educated, modern Iraq. Many of the Iraqi people have a history of valuing education, modernity and multiethnic society. We must commit to staying in Iraq until the basic institutions that will provide long-term stability are built.

A stable, tolerant, modern Iraq may transform the Arab Middle East. Other

traditional states will have to explain to their own peoples why they hesitate to grant democratic rights and privileges, basic human rights, and respect for women, if an Iraqi government were to arise from the repression of Saddam to blossom as an example of tolerance and modernity.

If we commit to the liberation of the Iraqi people, and we assist them in rising out of decades of Saddam Hussein's depredations, the whole world will be able to see that the Arab world is not predestined to tyranny, radical regimes, anti-Western hatred, willful ignorance.

I believe that this is President Bush's vision. The President understands that the use of force against Saddam Hussein—if it comes to this—will be the beginning of the end—not just of that dictator's brutal reign, but also of nearly a century of Arab despotism.

I pray that Saddam Hussein capitulates to the international community and allows unfettered and comprehensive inspections, and that he removes himself from power or is removed by some brave Iraqi.

But if we are not so fortunate, I pray Godspeed for our men and women in the military when they, once again, go beyond our shores to protect those of us within them.

Mr. President, I again thank our very fine leader on our side and others on the other side for their efforts in this regard, for the support they have for this country, for our President, and for doing what is right.

I personally respect the distinguished Senator from Virginia very much. I have watched him through the years work with both sides, trying to bring people together and to accomplish the best things for our country. I personally express my respect for him here today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank our colleague for his kind comments, and also for his important statement he has delivered to the Senate.

I want to pick up on one thing that the Senator mentioned, and there has not been as much discussion as yet on this subject. It is a very important one.

The President has repeatedly said the use of force is the last option. But should that be taken, and there be force used by presumably our country, Great Britain, and hopefully others in the coalition, then the responsibility devolves upon those nations, primarily those who use force—again, hopefully, the United Nations would take a strong role, but that remains to be seen—in trying to reestablish, for the people of Iraq, against whom we hold no animosity—the people—a nation bringing together the factions in the north, the Kurds, and the Shi'ites in the south, and hold that country together.

But I find, in studying, as my astute colleague will undoubtedly believe, as we look at the situation in Kosovo, we

had to come in there with other nations and help establish the economy, and we are still there. Indeed, in South Korea, how well you know we have been there now over 50 years.

It seems to me there are several points with regard to Iraq which differentiate the responsibilities of our Nation and other nations following such hostility, as hopefully will not occur, but should they occur; that is, Iraq, at one time, was an absolute extraordinary nation, a nation of well-educated people, a nation which had a number of natural resources, primarily petroleum, from whence to gain a revenue flow.

So far as I can determine, much of that infrastructure of intellectual people and well-educated, hard-working people and, indeed, the oil that is present there, once it is properly cared for and put in the competitive world market, it seems to me that the dollars involved would be, comparatively speaking, much less because of the natural resources, and the problem of reconstructing a government, hopefully, would not be as challenging as maybe some say because of the presence of such a fine citizenry, almost all of whom, not all, have been severely depressed by Saddam Hussein and the brutality of his regime.

Does the Senator share those thoughts?

Mr. HATCH. I do. Our intelligence shows that the Iraqi people know they are repressed, that there are many of them who wish things would change, but there is such repression that they are afraid to strike out, afraid to speak out, or afraid to react in ways other than the way the current leadership in Iraq wants them to react.

This is a very important country. It has tremendous resources, resources that are fully capable of helping that country to resuscitate itself, to reconstruct. Those resources are being ripped off of the Iraqi people right now by Saddam Hussein and others around him. They are being spent on matters that really do not benefit the country of Iraq, and they are being spent on matters that do not uplift the aspirations and hopes of the people in Iraq.

As we all know, there is no question that if we could get rid of this repressive regime, Iraq could become a real player in the Middle East and help everybody in the world to understand that Islam is not a religion of destruction. It is not a religion of warfare in particular. It is a very good religion with tremendous ethics and responsible approaches towards life and towards living in the world community.

Nor do I agree with some of our critics in the evangelical movement in this country who have been outspoken in their criticism of Islam, blaming the radical elements of Islam, who are not the majority, for many of the things that are going on, that are reprehensible, including the Osama bin Laden group, al-Qaida, and so many other terrorist groups.

The Senator is absolutely right. We believe, and our intelligence shows, that Iraq could become a major player in world affairs, a major construct for good, if it had different leadership and if the people had the privilege of democratic principles.

I thank my colleague because he has been pointing out all day, as he has served here, very important nuances upon which every one of us should take more time to reflect.

Mr. WARNER. I thank my distinguished colleague. He has many years of experience in the Senate. His wisdom is being brought to bear on this critical issue. All of us feel a weight on our shoulders, the importance of this debate, and the importance of the vote we will cast. If there was ever a vote that would be clearly a matter of conscience between all of us, this is it.

Mr. HATCH. I thank my colleague.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. WARNER. I see our valued colleague on the Senate Armed Services Committee. I look forward to hearing his remarks.

Mr. NELSON of Nebraska. Mr. President, I thank my colleague from Virginia for the opportunity to be here today and for his close attention to these matters of war and these matters of peace that so often come before us on the U.S. Armed Services Committee, and for his counsel and wisdom. I thank him so much.

I rise today to discuss our Nation's Iraq policy, and the resolution we are now debating. This resolution could give the President the power to send the United States Armed Services into a military conflict with Iraq.

As I am sure most of my colleagues will agree, for the U.S. Congress there is no more important debate than one that involves a decision that may lead to loss of life of our brave men and women in uniform.

It is without question that Saddam Hussein poses a threat to the Middle East, our allies in the region, and our international interests that include rebuilding Afghanistan and making peace between the Israelis and Palestinians.

Saddam has refused to comply with United Nations resolutions that were the basis for a cease-fire during the Persian Gulf war in 1991. He agreed to those terms in order to prevent the multinational coalition from proceeding into Iraq and removing him from power by force.

Throughout most of the 1990s Saddam was held in check through U.N. weapons inspectors, a naval blockade and United States and allied air patrols over the southern and northern areas of Iraq.

During that time the U.N. inspectors uncovered Saddam's chemical and biological programs and dismantled those they located. However, since 1998, Saddam has not allowed U.N. weapons inspections.

Now, nearly 4 years have passed with no outside reporting on progress made

in Saddam's chemical, biological, or nuclear programs. Moreover, we know that Saddam recently attempted to purchase aluminum rods used to refine uranium. These rods could be used to develop materials for nuclear weapons.

President Bush and his advisers have determined that Saddam Hussein's quest for weapons of mass destruction must end now. The President said in his speech before the U.N. that Saddam poses an immediate, unchecked threat to our Nation and our allies, and unless we act now his arsenal will only grow.

Any resolution on action involving Iraq that the United States Congress would approve must focus on the imperative of disarmament of Iraq.

By disarming Saddam and removing his nuclear, biological and chemical capability, he will pose no strategic threat to the United States or our allies. Saddam would be contained.

If, in order to disarm Iraq, we need to use military force that results in the removal of the current regime, then we should do so. Saddam Hussein must know that the United States will support President Bush's use of force to remove him, if he does not comply with orders to disarm and destroy all weapons of mass destruction.

The President has suggested that "regime change" may be the only way Iraq will comply with the 16 existing U.N. resolutions. However, a resolution whose primary focus is "regime change" does not address the fact that the next regime in Iraq, even if it is more friendly to the United States, would inherit all weapons systems and programs that the United States did not destroy.

Additionally, if we pursue "regime change" as an objective, we will severely limit our ability to form a multinational coalition of support as President Bush's father did so successfully during the gulf war.

Our allies worldwide have expressed support for disarming Saddam, but little enthusiasm for regime change.

Alone among President Bush's advisers, Secretary of State Colin Powell has suggested that putting weapons inspectors back in and making sure they can do their job is the proper avenue to pursue.

The heart of this resolution should outline precisely what access weapons inspectors should be afforded as they inspect the Iraqi military capabilities. It should demand complete transparency of Saddam's military inventory, and unrestricted and unfettered access to all of Iraq by U.N. weapons inspectors, including the presidential palaces.

In concert with a focus on disarmament, a congressional resolution should also strongly urge the President to exhaust all diplomatic efforts within and outside the United Nations. Total disarmament of Iraq should be a multinational effort.

Nevertheless we must reserve the right, and give the President the authority, to act unilaterally provided

the presence of an immediate and grave threat to the United States.

This congressional resolution should not give the President an immediate and unconditional pass to wage war, but should place an emphasis on his diplomatic effort to resolve the issue of disarmament without loss of life.

If Saddam's defiance leads to war, we must also focus on what will need to be accomplished after the war in order to ensure stability in the region.

More thought must be given to the effort that will be required to maintain peace and provide for the Iraqi people in the event that Saddam fails to resolve this issue peacefully.

We seek no quarrel with the people of Iraq and the international community must be prepared to assist them. It is an endeavor that the United States should not undertake alone which, in my opinion, strengthens the need for any use of force to be multilateral.

As a member of the Armed Services Committee, I have heard many hours of testimony from administration officials outlining their case for war. But I fear we have not yet heard enough about what Iraq will look like when the smoke clears.

I am willing to debate and support a resolution that has the characteristics that I have mentioned, but there needs to be equal debate and thought into how we will leave Iraq and what kind of commitment we are willing to give.

This resolution will serve as Saddam's last chance at a peaceful conclusion to his years of defiance of international law if it meets these conditions: The primary objective of the United States is the disarmament of Iraq rather than regime change; the United States will work to establish international support and cooperation and exhaust all diplomatic avenues before going it alone in Iraq; and the United Nations weapons inspectors will be allowed unfettered access to inspect Iraqi weapons systems and facilities and they will be supported by armed U.N. troops.

With these objectives, the United States will demonstrate that we seek a peaceful and diplomatic solution, but if diplomacy fails the United States will take every measure necessary to defend our country, our allies, and our interests. This is our responsibility to our national security, our international interests, our citizens, and the people of the world.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank our colleague for his contribution to this debate. Listening to him, as I have to all the others who have spoken today, underscores the importance of each Senator hoping to contribute to this debate.

My understanding is the leadership will announce shortly the intention to have periods tomorrow that this debate can take place. I hope we will experi-

ence tomorrow as robust and important debate as we have had today on the floor.

I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the order that has been guiding us all day continuing until 4 o'clock was the time be equally divided between the two leaders, and that Senators have up to 15 minutes to speak on the Iraq resolution. We have done a good job in doing that.

I ask unanimous consent that any Senators who wish to come yet today, before we adjourn for the evening, still be guided by the 15-minute limitation. Senator DASCHLE and I have spoken about this, and I am sure Senator LOTT would agree—although I have not spoken with him—that we would be well advised that Tuesday we are going to be very busy, with a lot of people speaking. Senators who wish to speak would be well advised to notify their respective cloakrooms. So people will not have to wait all day for their turn, we can set up a sequence. If an equal number of Democrats and Republicans wish to speak, we will alternate, and that way we can have an orderly debate and move on to the ultimate disposition at a subsequent time.

Mr. WARNER. I think I can speak for our leadership on that. That is a constructive observation. I am sure my distinguished colleague would think almost all 100 Senators will want, at one point in time prior to the vote, to express themselves on this important issue. So that will result in a considerable amount of the Senate's time. It is the most important thing before us. I think that is wise counsel.

Mr. REID. Mr. President, Senator BYRD asked me if I would clear a unanimous consent request in regard to this matter with him. So I ask that everyone be recognized for 15 minutes, and I am sure he will agree to a reasonable time. I don't have his permission now. So I will reiterate my unanimous consent request, with the exception of Senator BYRD.

I also ask Senators who wish to speak to get word to their cloakrooms, and we can set up a time for them to speak during the day.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. Mr. President, I have just been advised possibly someone on our side might want some additional time, and the matter will be managed here by the designees, the respective leaders. I have offered to work with Senator LOTT, and he accepted that offer. There may be others who want

more time. We will try to facilitate the management of the floor.

My point is those Senators who might desire to exceed 15 minutes, I am sure the Senate will consider why they need that additional time.

Mr. REID. Mr. President, as usual, our staff saw a possible problem with this. So what I think would be best to do is just not worry about Senator BYRD. We will have this limitation apply for the rest of the evening and until 12:30 tomorrow when we go into the party conferences.

Mr. President, I ask unanimous consent that any further speeches tonight on the Iraq matter be limited to 15 minutes, and that when we come in tomorrow morning to go on the Iraq matter, the speeches be limited to 15 minutes until 12:30.

Mr. WARNER. Mr. President, it is my understanding it will be around 10 o'clock.

Mr. REID. It will be 9 or 10 o'clock.

Mr. WARNER. I thank our colleague.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I am going to depart the floor. I see no colleague on either side wishing to address further the debate on Iraq, although the opportunity has been offered.

I ask unanimous consent at the conclusion of my brief remarks an article that appeared today in the Washington Post be printed in today's RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

The article is well composed in the sense it asks eight questions of those participating in the Iraqi debate about issues at the heart of what we are discussing. I hope by including it in the RECORD it is more readily available to colleagues as they work on their remarks. These are the very questions I encountered this weekend and last weekend as I traveled in my State. I daresay, other Senators will be asked these questions by their constituents and therefore this article is very helpful.

I will not pick up without specifically pointing to those provisions which prompt me to do so. I pick up comments to the effect by others that if Saddam Hussein does this, then everything will be one way or the other. If he does not do that, then this will happen, one way or the other. I call it the doctrine of giving Saddam Hussein the benefit of the doubt. I urge colleagues to think about that because we are dealing with an individual who is

extremely complex, at the least. People are trying to read his mind. Speaking for myself, I have no capability of reading his mind. Nor do I ever predicate action I take or support on what he might do if he does this. I can't follow that line of reasoning. Therefore, I do not subscribe to giving the benefit of the doubt to Saddam Hussein.

What dictates my views about this man is the clear record that he used poison gas against his own population, his own citizens of Iraq. It is reputed, and I think it is well documented, he has actually beheaded individuals who have stood up to disagree with him. So I somehow feel he has not earned a place in leadership that you can, in any way, pontificate about, or figure out what he might do. I think we have to decide as a free Nation what we are going to do, and urge the United Nations to lay that out very clearly in a resolution that leaves no doubt, gives no benefit of the doubt to him as to what he might do. We should plan a course of decisive action because our very future is dependent upon, hopefully, the United Nations taking such actions as are necessary, clearly, to enforce their resolutions and such additional resolution—and I hope it is only one—as they may devise.

I yield the floor.

EXHIBIT 1

DEBATE OVER IRAQ FOCUSES ON OUTCOME— MULTIPLE SCENARIOS DRIVE QUESTIONS ABOUT WAR

(By David Von Drehle)

Congress plans this week to debate a joint resolution that would give President Bush broad powers to disarm Iraq—including the authority to invade the country and depose President Saddam Hussein.

The resolution is expected to pass easily, in part because leading Democrats want to get the issue of war behind them, and in part because there is widespread agreement on Capitol Hill that Hussein must be dealt with. "We begin with the common belief that Saddam Hussein is a tyrant and a threat to the peace and stability of the Middle East," said Sen. Carl M. Levin (D-Mich.), chairman of the Armed Services Committee.

There is also general agreement that if it comes to war, the United States will win.

But beyond this first level of agreement lie major disputes over important questions—about the alternatives to war, the timing and, most of all, the outcomes. The debate in Congress is likely to distill these disputes.

And although these questions may not be answerable without a crystal ball—experts have already debated them without researching consensus in congressional hearings, op-ed and journal articles, speeches and interviews—they frame the risks and the assumptions of the U.S. approach.

Here are eight of the most important questions:

(1) Can Hussein be "contained" and "deterred"?

For more than 50 years of the Cold War, the United States faced an enemy armed with thousands of high-yield bombs mounted on sophisticated missiles and managed to avoid a direct military confrontation. How? By "containing" the enemy—that is, trying to prevent communist expansion—and "detering" attacks with threats of apocalyptic retaliation.

Some experts believe that this strategy, applied aggressively, can work with Iraq.

After all, continued containment and deterrence is the U.S. policy for dealing with Iran, which is widely believed to be more advanced in nuclear capability and deeply involved in supporting terrorists. Brent Scowcroft, the national security adviser to then-President George H.W. Bush, recently argued that "Saddam is a familiar . . . traditional" case, "unlikely to risk his investment in weapons of mass destruction, much less his country, by handing such weapons to terrorists" or by using them for blackmail. "While Saddam is thoroughly evil, he is above all a power-hungry survivor."

Hussein's behavior has not always squared with this view. In 1993, he tried to use secret agents to assassinate George H.W. Bush, and Iraqi guns routinely fire at allied aircraft over the Iraqi "no-fly" zones. But proponents of continued containment think there is a line that the Iraqi leader will not cross for fear of the consequences.

This assumption drives the thinking of figures such as Morton H. Halperin of the Council on Foreign Relations, who advocates a policy of tougher weapons inspections and a more effective embargo on trade with Iraq—"containment-plus," as he calls it. This strategy, "if pursued vigorously . . . will, in fact, succeed in preventing Saddam from using weapons of mass destruction or supplying them to terrorist groups," Halperin recently assured Congress.

But many people, President Bush among them, believe deterrence is no longer enough after the Sept. 11 attacks—not when weapons might be delivered secretly to fanatics willing to destroy themselves in an attack. Sen. John W. Warner (R-Va.), the ranking Republican on the Armed Services Committee, put it this way: "The concept of deterrence that served us well in the 20th century has changed. . . . Those who would commit suicide in their assaults on the free world are not rational and are not deterred by rational concepts of deterrence."

(2) Is Hussein in league with al Qaeda?

Somewhere, there is a cold, hard answer to this question, but so far, no one has publicly proved it one way or the other. Though administration officials have charged that al Qaeda operatives are living in Iraq, the same is believed to be true of more than 50 other countries. Daniel Benjamin, former director of counterterrorism for the National Security Council, recently argued that secular Iraq and fundamentalist al Qaeda are natural rivals, not co-conspirators.

But if the answer is yes, it strengthens the case for moving quickly.

"We must remove threats such as those [posed by] Saddam Hussein, al Qaeda and other terrorist groups," retired Air Force Lt. Gen. Thomas McInerney told a Senate hearing. The same gaps in intelligence gathering that make it hard to know whether Hussein deals with al Qaeda make it dangerous to assume he doesn't, McInerney argued. "We face an enemy that makes its principal strategy the targeting of civilians. . . . We should not wait to be attacked with weapons of mass destruction."

(3) Is disarmament possible without "regime change"?

No one in the mainstream believes that Hussein will disarm voluntarily, but some experts—including Secretary of State Colin L. Powell—entertain the possibility that he will if it is his last hope of survival.

That said, skepticism is very high that the Iraqi weapons problem can be solved while Hussein runs the country. Charles Duelfer, a veteran of previous weapons inspections in Iraq, recently said, "In my opinion, weapons inspections are not the answer to the real problem, which is the regime." Finding and destroying offending weapons now would not prevent the regime from developing new ones after the inspectors have left.

Even many proponents of renewed U.N. weapons inspections see them mainly as a tool for building international support for war. As retired Gen. Wesley Clark, a former supreme commander of NATO, put it: "The closer we get to the use of force, the greater the likelihood. And the more we build up the inspections idea, the greater the legitimacy of the United States effort in the eyes of the world."

(4) In the event of war, what would Hussein's military do?

There are two scenarios: one ghastly, one hopeful.

In the first, his commanders fire chemical and biological weapons into Israel, trying to ignite a pan-Arabic war, and lob gas bombs at approaching U.S. troops. In the other, Iraqi officers refuse to commit such futile war crimes in the face of certain defeat and turn on the dying regime.

"Most of the army does not want to fight for Saddam," McInerney maintained. "We are already seeing increasing desertions from the regular army as well as the Republican Guards." He cited reports from inside Iraq that Hussein has arrested or executed scores of disaffected officers and won't allow even some elite Republican Guard units into Iraq's cities, for fear of a coup. "That's why I think there will not be urban fighting."

But retired Gen. Joseph Hoar, a former commander in chief of U.S. Central Command, sees it differently. "The nightmare scenario is that six Iraqi Republican Guard divisions and six heavy divisions, reinforced with several thousand anti-aircraft artillery pieces, defend the city of Baghdad. The result would be high casualties on both sides, as well as the civilian community . . . [and] the rest of the world watches while we bomb and have artillery rounds exploded in densely populated Iraqi neighborhoods," Hoar testified before Congress. "It looks like the last 15 minutes of 'Saving Private Ryan.'"

(5) What would the Iraqi people do?

Again, there are two scenarios (always with the possibility that the truth is somewhere in between).

One emphasizes the relative sophistication and education of the Iraqi population, and its hatred for Saddam Hussein. These qualities, according to the optimists, would make the Iraqis unwilling to defend him, grateful for the arrival of American liberators and ready to begin building a new, pro-Western country as soon as the smoke cleared. "We shall be greeted, I think, in Baghdad and Basra with kites and boom boxes," Arab scholar Fouad Ajami of Johns Hopkins University has predicted.

The aftermath of the war would not necessarily be chaos. Duelfer has theorized. "There are national institutions in Iraq that hold the country together: the regular army; there's departments of agriculture, irrigation; there's a civil service."

The pessimistic view emphasizes the deep divisions in Iraq. There are Kurds in the oil-rich north, yearning for an independent state. There are Shiite Muslims concentrated in the South and seething at the discrepancy between their large numbers and small influence in Iraq. For all their education and institutions, Iraqis do not have experience with self-government. Iraq might trade one despot for another.

In this scenario, the only thing that would prevent a messy breakup of the former Iraq would be a long American occupation—a prospect the Bush administration has been reluctant to discuss.

(6) How will the Middle East react to the war and to the subsequent peace?

This may be the most potent of the unanswered questions. Here, there seems to be agreement that rank-and-file Muslims won't like an American war in Iraq. Michael

O'Hanlon, a defense analyst at the Brookings Institution, has referred to the "al-Jazeera effect"—millions of Muslims watching televised scenes of destruction and death, and blaming the United States. Halperin is one of many who have theorized that al Qaeda recruiters would be inundated. "Certainly if we move before there is a Palestinian settlement . . . what we will stimulate is a large number of people in the Arab world who will be willing to take up a terrorist attack on the United States and on Americans around the world."

Some experts predict that the regional reaction would then go from bad to worse.

According to Geoffrey Kemp, director of Regional Strategic Studies at the Nixon Center in Yorba Linda, Calif., "Iranians . . . worry about a failed or messy U.S. operation that would leave the region in chaos. They would then be on the receiving end for possibly millions of new Iraqi Shi'a refugees." Mark Parris, a former U.S. ambassador to Iraq's northern neighbor, Turkey, has raised the specter of a war between the Turks and the Kurds over the oil cities of Mosul and Kirkuk. The fragile reign of Jordan's moderate King Abdullah II would be shaken by an expected anti-American reaction among that nation's many Palestinians. Said Kemp: "The Saudis will ride it out, the Egyptians will ride it out, the Qataris will—but we're all a little worried about the king." Against this, there is a school of thought that says a moderate government in Iraq could lead to modernization and liberalization throughout the region. "A year after [Hussein falls], Iran will get rid of the mullahs," McInerney recently predicted. "The jubilation that you see in Baghdad . . . will change the whole tenor of the world, and the sum of all your fears will disappear, I assure you."

(7) Would a military campaign in Iraq help or hurt the war on terrorism?

Sources as diverse as the conservative Weekly Standard magazine and former president Bill Clinton scoff at the idea that it would be too much to pursue al Qaeda and deal with Iraq simultaneously, both saying: "The U.S. can walk and chew gum at the same time." However, former NATO commander Clark worries about "a diversion of effort" on the part of U.S. military and intelligence forces, and Halperin counsels that there is a limit on the number of things government bureaucracies can handle at once.

But the deeper problem, many believe, is that U.S. action in Iraq could spoil the spirit of cooperation with many nations—including many Arab nations—that is essential to fighting terror.

To "drive a stake in the heart of al Qaeda," Hoar recently said, it is essential to have "broad support from our European allies and from our friends in the Arab world." Like many experts, he believes that a war in Iraq could dry up that support like fire under a damp skillet.

On the other hand, retired Gen. John Shalikashvili, a former chairman of the Joint Chiefs of Staff—while insisting on the importance of building more international support for U.S. policy on Iraq—has argued that dealing with Iraq cannot, ultimately, be separated from the war on terror. "It really falls under the same umbrella," he told a Senate committee. "The war against terrorism isn't just al Qaeda. . . . It is also denying terrorists the means of getting to weapons of mass destruction."

(8) In the end, will the United States be more secure?

One's answer to this question is a sort of scorecard for one's answers to the previous seven. If Hussein is indeed impossible to deter and willing to engage in terror, if a new regime is the only way to eliminate the threat he poses, and if that can be done with

a minimum of chaos and relatively few bad consequences—then the case for war might seem strong. Different answers to these questions can change the equation dramatically.

In the coming debate, Americans will watch scores of elected leaders wrestle with some or all of these disputes, but if the resolution passes, as expected, they will ultimately come to a final calculus on a single desk. As Sen. John D. "Jay" Rockefeller IV (D-W. Va.) said last week: "You don't have all the answers and you never will have all the answers. . . . It rests in the hands of the president of the United States."

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, while the Senator from Virginia is still on the floor, I wonder if he would be willing to have a brief discussion on the resolution and the action before the United Nations?

Mr. WARNER. Yes, I would be privileged to do so.

Mr. SPECTER. Earlier today I had discussed the considerations on conditioning authority for the President to use force on a United Nations resolution which called for the use of force, very much like the 1991 incident, contrasted with authorization by the Congress for the President to use force unilaterally, without a United Nations resolution, or perhaps with the assistance of Great Britain. The disadvantage, to which I had referred earlier today, on having a resolution which required U.N. action is that, in effect, we would be subordinate or subject to a veto by China, which is undesirable; France—undesirable; Russia—undesirable.

But the difficulty with authorizing the President to use force unilaterally is it might set a precedent for other countries to say they could do the same. While these analogies are not perfect, one which comes to mind is China on Taiwan, or India on Pakistan, or the reverse—Pakistan on India.

My question to one of the managers of the bill, one of the coauthors of the bill, is: Do you see any problem at all on a precedent being established if Congress authorizes the President to use force without a U.N. resolution to use force, on justifying some action by some other country like China and Taiwan, or Pakistan and India, or some other situation in the future?

Mr. WARNER. Mr. President, I say to my distinguished colleague, speaking for myself—and I hope the majority of the Senate—in no way should this Nation ever subordinate itself in its decision making with respect to our national security, to actions or inactions by the United Nations.

Let me just give a wonderful quote that I, in my research on this subject, have referred to before. This was October 22, 1962, when our Nation, under the leadership of President Kennedy, was faced with the looming missile crisis down in Cuba. I know my colleague knows that period of history very well.

Kennedy said the following:

This Nation is prepared to present its case against the Soviet threat to peace and our own proposals for a peaceful world at any

time and in any forum in the Organization of American States, in the United Nations, or in any other meeting that could be useful, without limiting our freedom of action.

That, to me, answers the question.

Mr. SPECTER. Mr. President, the citation by the Senator from Virginia is a very impressive one, beyond any question, that some might think there was some difference in circumstances between the imminence of a possible attack in 1962, with the so-called Cuban missile crisis, compared to the present time with respect to Iraq. I would be interested to know what the Senator from Virginia was doing at that time. I can tell the Senator from Virginia that was the one occasion where my wife and I went out to the supermarkets and stocked up on food, as did most Americans, and put them in the basement of our house.

The television was replete with maps showing the missile range from Cuba to Philadelphia—the ones I particularly noted. They passed by Virginia en route to Philadelphia.

I quite agree with the Senator from Virginia, we ought never subordinate our sovereignty when we face that kind of a threat.

But I think the threat is significantly different with respect to Iraq—although I concede the threat. But the point is missed, at least somewhat, and that is whether U.S. unilateral action could set a precedent for some other country taking unilateral action, such as the ones to which I referred.

Mr. WARNER. Mr. President, any action by a strong, sovereign Nation such as ours, which I say with humility is a leader in the world in so many issues of foreign policy, can be used as a precedent. But I say to my friend, what is the precedent of inaction? I have given some comments about the League of Nations here earlier today. Throughout the history of the League, it is documented inaction, from Mussolini's attack on Abyssinia in the 1930s, to other operations militarily, naked aggression—inaction.

So what is the precedent of inaction, if our President and our Nation does nothing collectively with Great Britain, in the face of this crisis? So, of course, it would be a precedent.

But the times have changed. I also put a list in the RECORD the other day of some 13 instances where Presidents of our United States, going back as far as 1901, have instituted—you might characterize it, as I do, as preemptive; I certainly so characterize it—preemptive strikes in the use of the military, the U.S. Army, Navy, Air Force, Marines. Look here; it is documented: Panama, 1901; Dominican Republic, 1904, 1914 and 1965; Honduras, 1912; Nicaragua, 1926; Lebanon, 1958; Cuba, the naval quarantine in 1962; Grenada, 1983; Libya, 1986; Panama—just cause—1989; Somalia, 1992; Sudan and Afghanistan, August 1998; Iraq, Desert Fox—you recall that one. The eve of Christmas.

I remember my good friend and your good friend, Bill Cohen, was Secretary

of Defense. I went over and visited with him in his office as ranking member of the Armed Services Committee, where we discussed the coming Desert Fox operation, a form of consultation between the executive and legislative branch. That was December of 1998.

Kosovo, there was preemption. I will hand this to the Senator. That was March of 1999.

International law recognizes the concept of anticipatory self-defense. That is a phrase known in international law—if a country is imminently threatened.

I think the record at this point is replete with facts, where we could be in imminent threat of the use of weapons of mass destruction by Saddam Hussein, and more likely his surrogates—any one of which in this international coalition of terrorists.

Mr. SPECTER. Mr. President, without going through the entire litany, I agree that those are all illustrations of anticipatory self-defense. The Afghanistan missile attack on August 20 of 1998 was in response to al-Qaida because of the destruction of our embassies in Africa at about that time. I don't think you could call the Grenada incident a matter of anticipatory self-defense. I don't think you can call it self-defense at all. I think what the Senator from Virginia referred to is not a case of anticipatory self-defense—action by the United States, but not anticipatory self-defense. The quarantine of Cuba, as I said before, certainly does qualify, but under very different circumstances.

But I thank my colleague from Virginia. During the course of the coming days, I think we are going to have very extended discussions on these issues as we debate this resolution.

Mr. WARNER. Mr. President, I say to my good friend we have been fortunate to serve in this institution for many years together, and I hope, with luck perhaps, a few more. But the Senator has always been very careful, very thoughtful, and well prepared. While I haven't always agreed with the Senator, it is not for lack of a strong case that he has worked up on his side. I hope in due course he can see the wisdom of joining in this resolution which I and three others—Senators MCCAIN, LIEBERMAN, and BAYH—have put together. We really believe—and it is the one which is before the House of Representatives right now—that this is the wisest course of action for this Congress to take to support the President, and do it in a way that leaves no doubt in anyone's mind—Saddam Hussein or any other nations in the United Nations—who are thinking that a different course should be taken.

Mr. SPECTER. Mr. President, I thank my colleague from Virginia for those comments. We form a long-time mutual admiration society. The Senator from Virginia was elected in 1978, and I was elected 2 years later. So he has been here finishing up his 24th year, and I, 22. We have worked together on many matters.

I am raising questions only because I think it is in the tradition of what they call the world's greatest deliberative body. I am not sure that is accurate. But when we face an issue of this sort, we ought to be considering it very carefully. That is what I intended to do with this very brief colloquy today along that line.

Mr. WARNER. Mr. President, I thank my colleague for his kind remarks. We have had a very healthy debate here for 4½ hours on Friday afternoon—Senator BYRD, Senator KENNEDY, Senator DODD, and myself. We resumed today with, I think, seven colloquies on both sides of the aisle addressing this issue. I think we are going to perhaps even exceed the thoroughness, the thoughtfulness, and the strength in the debate we had in 1991 on a similar resolution that I dealt with at that time, along with my distinguished friend and colleague, Senator LIEBERMAN.

I thank the Senator.

Mr. SPECTER. Mr. President, it is true that in 1991 we had a debate which was characterized as historic. I recall the occasions when I was in the Chamber with the Senator from Virginia seated over there on the right-hand side. Senator Nunn was in the Chamber. We were debating that extensively in the Chamber today. I think it will be reassuring to the American people to see this kind of analysis and this kind of discussion—that we are not rushing to judgement.

Mr. WARNER. They deserve no less. I thank the Senator.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 3068 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

NOMINATION OF MIGUEL ESTRADA

Mr. SPECTER. Mr. President, I now will comment on the pending nomination of a very distinguished lawyer to the Court of Appeals for the District of Columbia Circuit, Miguel A. Estrada, who has been nominated by President Bush for the Court of Appeals for the District of Columbia Circuit.

Mr. Estrada has an extraordinary background. He received his law degree from Harvard, magna cum laude, in 1986. He received his bachelor's degree, magna cum laude, from Columbia College.

Mr. President, I ask unanimous consent to have printed in the RECORD his employment record, which shows the very outstanding work he has done.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MIGUEL ESTRADA, NOMINEE TO THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA—BIOGRAPHY/EXPERIENCE

Miguel A. Estrada is currently a partner in the Washington, D.C. office of Gibson, Dunn & Crutcher LLP, where he is a member of

the firm's Appellate and Constitutional Law Practice Group and the Business Crimes and Investigations Practice Group.

Mr. Estrada has broad appellate experience—he is widely regarded as one of the country's best appellate lawyers, and has argued 15 cases before the U.S. Supreme Court.

The American Bar Association—the Democrats' "gold standard" for judicial nominees—unanimously rated Estrada "well qualified."

If confirmed, Estrada would be the first Hispanic-American ever to sit on the Court of Appeals for the D.C. Circuit.

From 1992 until 1997, he served as Assistant to the Solicitor General of the United States. From 1990 to 1992, he served as Assistant U.S. Attorney and Deputy Chief of the Appellate Section, U.S. Attorney's Office, Southern District of New York.

Mr. Estrada served as a law clerk to the Honorable Anthony M. Kennedy of the U.S. Supreme Court from 1988–1989, and to the Honorable Amalya L. Kearsse of the U.S. Court of Appeals for the Second Circuit from 1986–1987.

He received a J.D. degree magna cum laude in 1986 from Harvard Law School, where he was editor of the Harvard Law Review. Mr. Estrada graduated with a bachelor's degree magna cum laude and Phi Beta Kappa in 1983 from Columbia College, New York. He is fluent in Spanish.

Mr. SPECTER. Mr. President, during the course of the hearings on Mr. Estrada, the issue was raised about obtaining memoranda which Mr. Estrada had worked on in the Solicitor General's office from 1992 to 1997, internal memoranda which would be very troublesome for disclosure because of the need for candid expressions by lawyers who work in the Solicitor General's office.

A letter, dated, June 24, 2002, was submitted by a former Solicitor General, Seth P. Waxman, on behalf of all seven living ex-Solicitors General, objecting to the request by the Judiciary Committee for these internal memoranda, signed by Mr. WAXMAN, on behalf of Walter Dellinger; Drew S. Days, III; Kenneth W. Starr; Charles Fried; Robert H. Bork; and Archibald Cox. It is apparent, on the face of those signatories, that you have people from a broad spectrum, from very liberal to very conservative.

But of more importance than the range of Solicitors General on the political spectrum are the reasons set forth in the letter. And the essence is contained in a couple of paragraphs:

As former heads of the Office of the Solicitor General—under Presidents of both parties—we can attest to the vital importance of candor and confidentiality in the Solicitor General's decision-making process.

Then, in a later paragraph, it continues:

It goes without saying that, when we made these and other critical decisions, we relied on frank, honest, and thorough advice from our staff attorneys, like Mr. Estrada. Our decision-making process required the unbridled, open exchange of ideas—an exchange that simply cannot take place if attorneys have reason to fear that their private recommendations are not private at all, but vulnerable to public disclosure. Attorneys inevitably will hesitate before giving their honest, independent analysis if their opinions are not safeguarded from future disclosure. High-level decision-making requires

candor, and candor in turn requires confidentiality.

Mr. President, I ask unanimous consent that the full text of this letter be printed at the conclusion of my statement. That will abbreviate the time of the statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. Mr. Estrada was questioned about an article which appeared in *The Nation*, which referred to anonymous sources on the subject that Mr. Estrada was questioning prospective clerks for Justice Kennedy and was applying a litmus test. This is what is set forth in the article in *The Nation* in the October 7, 2002, issue:

Perhaps the most damaging evidence against Estrada comes from two lawyers he interviewed for Supreme Court clerkships. Both were unwilling to be identified by name for fear of reprisals. The first told me: "Since I knew Miguel, I went to him to help me get a Supreme Court clerkship. I knew he was screening candidates for Justice Kennedy. Miguel told me, 'No way. You're way too liberal.' I felt he was definitely submitting me to an ideological litmus test, and I am a moderate Democrat. . . ."

A second unnamed person in the article said:

"I was a clerk for an appeals court judge," the professor told me, "and my judge called Justice Kennedy recommending me for a clerkship with him. Justice Kennedy then called me and said I had made the first cut and would soon be called for an interview. I was then interviewed by Miguel Estrada and another lawyer. Estrada asked most of the questions. He asked me a lot of unfair, ideological questions, a lot about the death penalty, which I told him I thought was immoral. I felt I was being subjected to an ideological litmus test. . . ."

And it goes on, but that is the pertinent part.

During the course of the Judiciary Committee hearings, Mr. Estrada was questioned about these two unidentified sources. He said he had not asked such questions, and then later responded to further questions saying that he couldn't remember if it had ever happened, that it might have been possible but he had no recollection.

His answer was:

Now, that you have drawn that to my attention, it is possible that interviewing a candidate—I can't think of any now, but it is possible that I may have come to the conclusion that the person's ideology was so strongly engaged in what he thought as a lawyer that he would not be able to follow the instructions in the chambers as set forth by Justice Kennedy.

Then, when the questions are pursued, Mr. Estrada says candidly he can't remember ever having said that but would not rule out the possibility.

It seems to me that when someone is being questioned, and being questioned from sources which refuse to reveal their identity, that it is impossible for a witness, a nominee for a judgeship, to give a responsive answer.

One of the very basic principles of American jurisprudence is that an individual is entitled to confront his ac-

cuser. That is a basic constitutional requirement, of course, in a different context in the fifth amendment of right to confrontation. But as a matter of basic fairness anywhere, if a person is to have an opportunity to focus on a question, to focus on the event, he or she should be told who it was who made the statement, so there can be an appropriate focus of attention.

And a prospective nominee ought not to be ruled out, ought not to be criticized, or ought not have it held against him if people are challenging him who will not be disclosed.

And the article in *The Nation* magazine says specifically it came from two lawyers, both unwilling to be identified by name for fear of reprisals. It is a little hard to see what the reprisals would be.

If somebody has something to say about a judicial nominee, let him come forward. If they are not going to be identified, how can you expect a responsive answer to be given by an individual, which is apparent on its face, as Mr. Estrada tries to respond to these questions without knowing precisely what they are?

Other issues were raised as to Mr. Estrada because of clients he represented and causes he undertook. I regretfully could not be present for all of the Estrada hearings because we were debating homeland security on the day his hearing was up, and I was there for part of it but not there for all of it.

It was reported to me that Mr. Estrada was questioned about comments which he had made in representing a client, trying to have the case of *Miranda v. Arizona* overruled, a 1966 decision where the Supreme Court laid down certain requirements for warnings and waivers.

The Omnibus Crime Control Act of 1968, passed by the Congress, sought to change the *Miranda* rule by providing that the confession be judged on the totality of the circumstances. An act of Congress is presumptively constitutional, and it was a matter for argument. The Supreme Court considered the issue and decided that *Miranda* would not be overruled, considered it, many years later.

Shortly after the Omnibus Crime Control Act was passed in 1968, I was asked by the National District Attorneys Association to argue a case captioned *Frasier v. Cupp* where there was a confession at issue under *Escobedo*. I appeared in the Supreme Court and argued that the confession which was given, the statements which were given should be judged under the 1968 Omnibus Crime Control Act which said voluntariness should be decided on the basis of the totality of circumstances.

In a State prosecution, the due process clause picks up the right to counsel of the sixth amendment and the privilege against self-incrimination of the fifth amendment. The argument which I made was there ought not to be a higher standard imposed on the States under the due process clause than on the Federal Government.

Under the 1968 statute gauging the admissibility on the totality of the circumstance, the act was presumptively constitutional. The Supreme Court did not reach the issue in deciding the case of *Cupp v. Oregon* where the confession was upheld. But I had appeared before a congressional committee, the McClellan committee, in 1966 and said I agreed with *Miranda* and that I thought as a matter of public policy *Miranda* was the correct decision. I said that notwithstanding the fact that I was a district attorney at that time and had to deal with the limiting effects. It seemed to me it placed the suspect on an equal par with the interrogators for them to be required to say you have a right to counsel, you have a right to remain silent.

But notwithstanding my own personal view that *Miranda* was the correct decision, I felt entirely free to argue to the Supreme Court the position that the 1968 act ought to govern, and the totality of the circumstances ought to prevail.

This is just one of what I understood to be a number of concerns expressed by some members of the Judiciary Committee. I think there ought to be a sharp distinction between what an individual believes as a matter of judicial philosophy or ideology and what an individual does by way of presenting a case for argument.

Under our adversarial system, all sides are to be presented, both sides are to be presented, and the court is to make the decision. An attorney has the liberty of making arguments which he thinks are good-faith arguments for resolution by the court.

It is my hope that the Judiciary Committee will report out Mr. Estrada. Frankly, it looks as if they are not going to do so. The reason, really, the excuse will be given that the Solicitor General's opinions will not be forthcoming. But they realistically cannot be forthcoming for reasons set forth by the Solicitor General's letter that if they are to be able to have honest and frank discussions, they have to have the honest opinions of their lawyers.

And if you are going to make public disclosure in the context of a judicial confirmation proceeding, the lawyers are always going to be worried about that and are not going to give their frank opinions.

Ultimately, I hope we are able to adopt a protocol. Perhaps the year 2004 would be a good time. We have a Republican President now and a Senate controlled by Democrats and nominations were being held up. I am candid to say and have said, when we had a President who was a Democrat and the Judiciary Committee was controlled by Republicans, that nominations were held up.

I crossed party lines and voted for President Clinton's nominees when I thought they were qualified. In the spirit of reciprocity, I have been able to get Pennsylvania judges confirmed. But perhaps in the year 2004, when no

one knows exactly what 2005 will bring, we can end this politicization of the Judiciary Committee process and adopt a protocol which I have submitted but which would say that after so many days after a nomination, the committee would consider it with a hearing; so many days after the hearing, the committee would vote; and so many days later, it would come to the floor. We could get rid once and for all of this politicization of the nomination process.

I ask unanimous consent that the text of my resolution of protocol be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. SPECTER. I yield the floor.

EXHIBIT 1

WILMER, CUTLER & PICKERING,
Washington, DC, June 24, 2002.

Hon. PATRICK J. LEAHY,

Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: We write to express our concern about your recent request that the Department of Justice turn over "appeal recommendations, certiorari recommendations, and amicus recommendations" that Miguel Estrada worked on while in the Office of the Solicitor General.

As former heads of the Office of the Solicitor General—under Presidents of both parties—we can attest to the vital importance of candor and confidentiality in the Solicitor General's decisionmaking process. The Solicitor General is charged with the weighty responsibility of deciding whether to appeal adverse decisions in cases where the United States is a party, whether to seek Supreme Court review and adverse appellate decisions, and whether to participate as amicus curiae in other high-profile cases that implicate an important federal interest. The Solicitor General has the responsibility of representing the interests not just of the Justice Department, nor just of the Executive Branch, but of the entire federal government, including Congress.

It goes without saying that, when we made these other critical decisions, we relied on frank, honest, and thorough advice from our staff attorneys, like Mr. Estrada. Our decisionmaking process required the unbridled, open exchange of ideas—an exchange that simply cannot take place if attorneys have reasons to fear that their private recommendations are not private at all, but vulnerable to public disclosure. Attorneys inevitably will hesitate before giving their honest, independent analysis if their opinions are not safeguarded from future disclosure. High-level decisionmaking requires candor, and candor in turn requires confidentiality.

Any attempt to intrude into the Office's highly privileged deliberations would come at the cost of the Solicitor General's ability to defend vigorously the United States' litigation interests—a cost that also would be borne by Congress itself.

Although we profoundly respect the Senate's duty to evaluate Mr. Estrada's fitness for the federal judiciary, we do not think that the confidentiality and integrity of internal deliberations should be sacrificed in the process.

Sincerely,

SETH P. WAXMAN.
WALTER DELLINGER.
DREW S. DAYS, III.

KENNETH W. STARR.

CHARLES FRIED.

ROBERT H. BORK.

ARCHIBALD COX.

EXHIBIT 2

S. RES. ____

Whereas there has been a continuing controversy with the political party of the President protesting the process on confirmation of Federal judges by the Senate when the Senate is controlled by the opposite political party; and

Whereas there is a concern about a lack of public confidence in the Senate's judicial confirmation process when different parties control the White House and the Senate: Now, therefore, be it

Resolved,

SECTION 1. PROTOCOL FOR NONPARTISAN CONFIRMATION OF JUDICIAL NOMINEES.

(a) TIMETABLES.—

(1) COMMITTEE TIMETABLES.—The Chairman of the Committee on the Judiciary, in collaboration with the Ranking Member, shall—

(A) establish a timetable for hearings for nominees to the United States district courts, courts of appeal, and Supreme Court, to occur within 30 days after the names of such nominees have been submitted to the Senate by the President; and

(B) establish a timetable for action by the full Committee to occur within 30 days after the hearings, and for reporting out nominees to the full Senate.

(2) SENATE TIMETABLES.—The Majority Leader shall establish a timetable for action by the full Senate to occur within 30 days after the Committee on the Judiciary has reported out the nominations.

(b) EXTENSION OF TIMETABLES.—

(1) COMMITTEE EXTENSIONS.—The Chairman of the Committee on the Judiciary, with notice to the Ranking Member, may extend by a period not to exceed 30 days, the time for action by the Committee for cause, such as the need for more investigation or additional hearings.

(2) SENATE EXTENSIONS.—

(A) IN GENERAL.—The Majority Leader, with notice to the Minority Leader, may extend by a period not to exceed 30 days, the time for floor action for cause, such as the need for more investigation or additional hearings.

(B) RECESS PERIOD.—Any day of a recess period of the Senate shall not be included in the extension period described under subparagraph (A).

(c) REPORT OF NOMINATION TO SENATE.—

(1) NOMINATION TO SUPREME COURT.—Regardless of the vote of the Committee on the Judiciary, a nomination for the Supreme Court of the United States shall be reported by the Committee for action by the full Senate.

(2) NOMINATION TO DISTRICT COURT OR COURT OF APPEALS.—If a nomination for the United States district court or court of appeals is rejected by the Committee on the Judiciary on a party line vote, the nomination shall be reported by the Committee for action by the full Senate.

UNANIMOUS CONSENT REQUEST—

S. 2949

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 623, S. 2949, the aviation security legislation; that the Smith-Boxer amendment at the desk be considered and agreed to; the committee amendment

be agreed to; the bill, as amended, be read three times, passed, and the motion to reconsider be laid on the table, without any intervening action or debate.

This legislation is sponsored by Senators BOB SMITH and BARBARA BOXER, an unlikely pair, you would think, to sponsor legislation. But they agree, as a majority of the Senate agrees, we should move forward on this legislation to allow certain pilots in commercial aviation to be armed. That is what the legislation is all about.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, on behalf of the leader, Senator LOTT, I have been asked to lodge a formal objection to the unanimous consent request. I know the Senator from Nevada had expected that.

I want it plain that I express none of my own views on the pending legislation in lodging this formal objection. I am the last Republican available to represent the leader, who has asked that a formal objection be lodged on behalf of other Members.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I understand my friend from Pennsylvania entering the objection. This measure has been cleared on this side, the Democratic side, for approximately 2 weeks. I understand the Commerce Committee staff has been working diligently on this matter. It is something we should complete. It has widespread support. I appreciate the statement of my friend from Pennsylvania.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN ECONOMY

Mr. DOMENICI. Madam President, it isn't often that a Senator from New Mexico and a Republican quotes an editorial by the Washington Post regarding economics and economic activity and America's economic future. This morning I caught an editorial in that newspaper which I have here behind me. It is from Saturday, October 5. It is styled "Negative Al Gore."

I didn't put it up here to be negative to Al Gore. I put it up here because the editors of this newspaper have come to the conclusion, and have come to it rather firmly, that the President of the United States, George Bush, is not responsible for the current state of the American economy, nor did he do anything to cause the recession—how mild it was, how deep it was, how long it has lasted. He didn't cause it.

I would like to start first with a statement which I will print in the

RECORD which has gotten a lot of notoriety since I issued it and put it in the RECORD some days ago. It is a statement by Joseph Stiglitz, chairman of President Clinton's Council of Economic Advisors. I don't think we can quote it enough, as those on the other side think they are going to convince the American people, who are already rather doubtful, that they are going to convince them that President George Bush is responsible for this slow economy.

This is a man, Dr. Joseph Stiglitz, who speaks for the Democrats, if he speaks for either party. He worked for President Clinton. He answered the question: When did the downturn start? I quote:

[T]he economy was slipping into recession even before Bush took office, and the corporate scandals that are rocking America began much earlier [than that.]

We ought to be able to carry one of these around for the next 4 or 5 weeks, just as our friend Senator BYRD carries the Constitution. Every time we hear a Democrat, wearing his partisan clothes, get up and say President Bush did this, we will refer him to one of the best economists that ever served America, served the previous President on his Council of Economic Advisors, and later on was a member of the Federal Reserve with the distinguished President we have there now, and he wrote this as a part of a dissertation with reference to the American economy.

Along comes the Washington Post a few weeks later, Saturday, October 5. Let me just read the yellow print and you can all be looking at the rest of it:

But President Bush's main economic policy—the large tax cut of last year—was not responsible for any of the current damage. Indeed, given the twin shocks of 9/11 and the post-Enron stock market decline, the short-term stimulus created by the tax cuts has turned out to be fortuitously well timed.

You might recall, on a number of occasions, Senators who were putting forth the President's tax policy—I think the occupant of the Chair might have even supported that tax policy—would get up and say: It just might be the right time. We might be doing something right for a change, where we are getting a tax cut to come in just at the time that the American economy starts to stutter, starts to stammer around. And for once we might be on time, I said, in proposing it and getting the reconciliation instruction through here.

I said, in addition, spending additional resources rather than tightening the budget would be in order also. Sure enough, the tax cuts were supplemented by an increase in expenditures. And, guess what. The Federal Reserve Chairman lowered the interest rates, and we had the threefold attack which normally works in terms of the American economy.

We seldom do it right and punctual enough, but we did. So the American economy is stuttering for some other reason. It may very well be that we had

such an extensive balloon-type economy when the stock market was driving almost everything to outlandish prices coming on to the market that maybe when those start to fall, it takes a little bit longer for things to catch on and push that back up the ladder because so much is falling down on us. Some say \$11 trillion is the amount—trillion—of diminution in value. I put "value" in quotes as I say it because I am not sure what that value meant. I am not sure that was value like you had dollar bills, but I am not sure what it was. People are having difficulty saying how much of that was nothing more than the hot air of the stock market. I don't know the answer to that, I haven't studied that.

I would like very much to say to the editors of the Washington Post, I have some additional comments on the editorial that they have written. Obviously, I have taken parts of it and put it in my statement, obviously giving the Washington Post credit wherever I thought it was right, that that language was consistent with what I am talking about.

The lead editorial on Saturday, titled "Negative Al Gore," seriously questions the Senate leader's attack on President Bush. Let me highlight once more a couple of items:

But President Bush's main economic policy—the large tax cut of last year—was not responsible for any of the current damage.

That is not the Senate Republican Policy Committee saying that. That is the Washington Post.

Another quote:

Given the twin shocks—

I have read that to you. It ends with: . . . fortuitously well timed.

That is again not mine, not the Republican Senatorial Committee. That is the Washington Post's summary of how their editors see things in terms of the stock market and other things related to the American economy.

Another quote:

But to blame the weak American economy on Mr. Bush is nonsense.

That is the editorial of the Washington Post I am showing you here. Anyone who doesn't want to listen can read this and see what the Washington Post says. Let me proceed. I think the writers of the editorial have it just about right. The economic blame and the blame game that Leader DASCHLE and former Vice President Gore have launched is, for certain, wrong. There is little truth to it, and there is little economic veracity attendant. It is not accepted as being realistic by those in the highest echelons of economic terms and assessments in America.

From the long-term economic history, we know a speculative boom, once started, cannot end without some disruption. I believe the American public understands this, and understands that to blame the current weak economy on President George Bush is nonsense.

Having said that, I know we are engaged today, and for the next few days,

in a serious discussion. Some would like to put the economy back front and center, and some think that would not be right. I believe we should proceed with dispatch to give the President the authority, if necessary, to see to it Saddam Hussein does not use weapons of mass destruction, and to use force, if he has to do that. I will speak in more detail and in more depth on that subject later on.

I think we are capable of discussing two major issues at the same time and getting them both right. We surely can discuss this issue the writers in the Washington Post editorial bring to our attention. I, for one, am not fearful of standing up and discussing that issue with anybody, any color of politics, any party that wants to talk about President Bush and the relevancy of his actions to the current status of the American economy.

I believe almost everything that was done—the lowering of the interest rates, extra expenditures that were put on rather than keeping the strings tightened around the budget and, obviously, a tax cut that came in just as the recession started to occur—I think we can discuss those and we can ask anyone around, what would you have done? They would come up with three of them, or two out of the three. When a President gets that done and he is starting his first term, and he has one body that is not of his party, it seems he deserves some very significant accolades. It is not every President who would have gotten that done.

I believe we all looked for the right way to do it and the right things to do—what we did in urging a tax cut, urging the Fed to lower interest rates, and making the strings a little bit looser instead of tighter so we can spend more money. Some other reason is causing the slowdown, but it is not President Bush and his policies. It is not what the Senate voted in when we were in the majority and carrying it out under the majority of the Democrats, who have the body by one vote. We must remember one of our Members became an Independent and now votes with the other side.

Whoever would like to discuss the American economy, I am willing. I have a lot of other Senators who are willing. We will be here whenever you care to speak about it, and we might be here even when you don't care about speaking about it. We may speak to it ourselves.

21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

Mr. BIDEN. Mr. President, I rise today to call attention to Section 2202 of the 21st Century Department of Justice Appropriations Authorization Act which directs the President—in consultation with the Attorney General, the Secretary of Health and Human Services and the Secretary of Education—to review all Federal drug and

substance abuse treatment, prevention, education and research programs and make recommendations about how to "streamline, consolidate, coordinate, simplify, and more effectively conduct and deliver" these services.

Mr. HATCH. I understand that this provision is intended to allow the administration to assess current treatment, prevention, education and research programs. The conference report directs the President to conduct the study. The President's logical choice to conduct this study would be Drug Czar John Walters, the President's point person on the drug issue, wouldn't you agree?

Mr. BIDEN. Yes, I would.

Mr. President, I want to make it clear that Section 2202 of the 21st Century Department of Justice Appropriations Authorization Act was not included because the Senate wants to cut substance abuse treatment, prevention, education and research programs. After all, when the Senate unanimously passed S. 304, the Drug Abuse Education, Prevention and Treatment Act, which Senators HATCH, LEAHY and I introduced, it went on record supporting an increase in funding for demand reduction programs, including providing treatment for some of the 3.9 million people in this country who need it but are not receiving it. I know that the President does not want to shrink these programs either. Recall that when he announced Mr. Walters' nomination to be drug czar, he said that "the most effective way to reduce the supply of drugs in America is to reduce the demand for drugs in America" and he pledged that his administration "will focus unprecedented attention on the demand side of the problem." As I see it, the study is meant to assess current programs in order to identify where there may be duplication of effort and where we need to increase effort.

The belief that demand reduction programs are a valuable part of our national drug policy needs to guide this report. That does not mean that the authors should be afraid of recommending ways to deliver services more efficiently or to suggest that there is duplication of effort that needs to be streamlined. What it means is that the report should not be interpreted as a directive from Congress to decrease the level of effort dedicated to demand reduction.

Increasing access to treatment is critical. Drug addiction is a chronic relapsing disease. And as with other chronic relapsing diseases, such as diabetes, hypertension and asthma, there is no cure, although a number of treatments can effectively control the disease. According to the Journal of the American Medical Association, the rate of adherence to treatment programs and relapse rates are similar for drug addiction and other chronic diseases. That means that treatment for addiction works just as well as treatment for other chronic relapsing dis-

eases. I hope these facts will be reflected in the drug czar's report, particularly in terms of relapse. We should not be skimping on the amount of time a patient spends in treatment because someone thinks that would be more efficient. In truth, it would be less efficient. Studies have shown that the longer a patient spends in treatment the more likely that patient is to stay off drugs. But even with the best treatment protocol, patients relapse. That does not mean that treatment does not work, however.

Research is another area where returns on investment are not always linear or predictable. But I believe that we need to be doing more research on new forms of treatment, particularly when it comes to developing new anti-addiction medications. In the last Congress, I worked with Senators LEVIN and HATCH and former Senator Moynihan to pass a law to allow qualified doctors to prescribe certain anti-addiction medications from their offices rather than requiring patients to pick them up at special clinics. The bill helps to move drug treatment using anti-addiction medications into the medical mainstream. And buprenorphine, the first medication that could be prescribed under the system created by the bill, is expected to be approved any day now. We need to develop additional medications for this new system to treat cocaine and methamphetamine addiction as well as to curb the cravings associated with addiction.

The last item that I would suggest that the drug czar keep in mind when drafting his report is the importance of prevention, particularly school-based prevention programs. After several years of a stable level of drug use in the United States, this year drug use is up 11 percent among 12 to 17-year-olds and 18 percent among 18 to 25-year-olds. It is vital that we increase our current efforts at preventing drug use among teens and young adults. After all, we know that if we can get a child through age 21 without abusing drugs, they are unlikely ever to do so.

My goal is not to dictate what the drug czar writes in his report. Rather, I want to make clear that when Congress directs that the drug czar write a report on how to "streamline, consolidate, coordinate, simplify, and more effectively conduct and deliver" Federal drug and substance abuse treatment, prevention, education and research programs, it does not mean that we are trying to minimize the importance of these programs. We are merely looking for guidance on how they could be delivered more effectively and more efficiently.

SENATOR JESSE HELMS

Mr. SHELBY. Mr. President, I rise today to pay tribute to North Carolina Senator JESSE HELMS, a dedicated public servant who has served with distinction for five terms in the United States

Senate. During this time, Senator HELMS has had a tremendous influence on the issues which have faced our country and his reasoned and determined beliefs on foreign policy have helped to shape the direction of America's relationships around the globe. In doing so, Senator HELMS has always put the interests of the United States above all else, and his efforts were often rewarded with hard-fought concessions. Indeed, when others would hope to expedite and rush through legislation, it was often Senator HELMS who called for deliberation and patience. Senator HELMS truly understands the Senate's function as a deliberative body and takes to heart the great responsibility the Constitution has given the Senate in its role as a check to the powers of the Executive branch. I have had the pleasure to work with Senator HELMS for the past 16 years and it is with great appreciation and respect that I commend him for all of his meaningful work as he retires at the end of the 107th Congress.

Senator HELMS was born in Monroe, NC in 1921. A product of the public schools of Monroe county, he took to heart the lessons he learned early in life. A firm believer in family, respect for one's elders, morality, patriotism and religious faith, Senator HELMS has let these convictions be his guide throughout his life. After serving his country in the Navy during World War II, Senator HELMS came back to his home State as a city editor of the Raleigh Times. It was not long before he received his first exposure to Senatorial duties working as an Administrative Assistant to U.S. Senator Willis Smith and later for Senator Alton Lennon. Politics seemed to agree with Senator HELMS, for in 1952, he directed the radio-television division of the presidential campaign of Democratic Senator Richard B. Russell of Georgia. For the next 7 years, Senator HELMS served as the Executive Director of the North Carolina Bankers Association and editor of the Tarheel Banker, which grew under his guidance into the largest banking publication in the United States. Following this remarkable success, Senator HELMS in 1960 became the Vice-President, Vice-Chairman of the Board and assistant Chief Executive Officer of Capitol Broadcasting Company. It was from this post that Senator HELMS became a familiar voice in politics, filing daily editorials for WRAL-TV and the Tobacco Radio Network. Over the next 12 years, Senator HELMS became known as an articulate conservative across the nation, where his editorials were printed regularly in more than 200 newspapers throughout the United States and broadcast by more than 70 stations in North Carolina. Senator HELMS capitalized on his familiarity and popularity with the voters of North Carolina in 1972, when he was elected to the U.S. Senate on his first attempt at state-wide elective office. His election marked the beginning of a long and distinguished career in the Senate, where

Senator HELMS has been an active and consistent presence dedicated to preserving American freedom and liberty.

Senator HELMS has had a tremendous influence on policy matters over the last 30 years. He has been an outspoken critic of ceding American power to international organizations and an ever-vigilant watch dog of any treaty or agreement which may not be in the best interests of the United States. He has been a reliable conservative voice on many social issues and a consistent critic of government bureaucracy. Of his many achievements, Senator HELMS has been the most active through his position on the Foreign Relations Committee, which he took over as Chairman in 1994. He sponsored the Helms-Burton Act, which codified the U.S. trade embargo against Cuba and allowed lawsuits against foreign companies who benefitted from American property expropriated by Castro's Communist dictatorship. Senator HELMS also achieved another remarkable feat, when in 1998, he worked across the aisle to achieve passage of historic legislation reorganizing the State Department. Senator HELMS has also maintained flexibility in his thinking, working closely with other members of the Foreign Relations Committee to examine and solidify the relationship of the United States and the United Nations, examine trade relations with China and examine the policies surrounding U.S. foreign aid.

Senator HELMS has had a significant impact in his 30 years here in Washington. His absence from important policy decisions will truly be missed. Anyone who has dealt with Senator HELMS knows that he is a man whose conviction to his beliefs will not be easily swayed. They will also tell you that there are few people who are more congenial and charming than Senator HELMS. I wish he and his wife, Dorothy, and the rest of his family all the best. It is with great appreciation and admiration that I offer these words to commemorate his retirement.

ACHIEVEMENTS OF THE SENATE JUDICIARY COMMITTEE

Mr. LEAHY. Mr. President, today we held the 26th hearing for judicial nominees since the change in majority in the summer of 2001. The Judiciary Committee has now considered 103 nominees in less than 15 months. It took the Republican-controlled Senate 33 months—almost 3 full years—to hold hearings for 100 of President Clinton's judicial nominees, although more than 100 were pending well before that. We have reached that mark in less than half that time.

Since the summer of 2001, we have held more hearings for more judicial nominees—103 candidates—than in any comparable 15-month period of the 6½ years before the Senate changeover last year.

We have also held more hearings for circuit court nominees—20—than in

any comparable period of that previous 6½ years, when our predecessors allowed an average of only seven circuit court nominees to be confirmed per year. In the past three weeks we held two back-to-back hearings for controversial circuit court nominees back to back. In contrast, at 11 of the judicial nomination hearings held during the prior period of Republican control, no circuit court nominees were on the agenda.

During their 6½ years of control of the Senate, there were also 30 months in which Republicans held no hearings at all. Democrats have held at least one hearing per month and have held almost two per month on average. We have been working nonstop to address the vacancy crisis we inherited. In the 6½ years of Republican control, before the reorganization of the committee last summer, vacancies on the Courts of Appeals more than doubled from 16 to 33 and overall vacancies rose from 65 to 110.

Added to that were the 47 new vacancies that have arisen since last summer. Thus, rather than 157 vacancies, with the 80 circuit and district court nominees we have confirmed, there are now 77 vacancies.

The President has yet to nominate anyone for 30 of these vacancies. With today's hearing for 7 judicial nominees, we will have held hearings for 21 of the 47 nominees currently pending.

Many of the 26 judicial nominees who have not yet had a hearing were nominated only recently toward the end of this congressional session. Due to the White House's refusal to allow ABA peer reviews to begin prior to nomination and because the ABA peer reviews have been taking between 50 and 60 days from the time of nomination, the White House knows that many of these late nominees will not have their files completed in time for hearings.

Thus, of the 26 who have not yet had a hearing, only seven have completed files—especially, ABA reviews and the consent of both of their home-State Senators. That is, the majority of the nominees who have not yet had a hearing—19—do not have completed files. Of the seven who are eligible for a hearing, but who have not yet had a hearing, six have relatively controversial records which require more review. The only remaining district court nominee did not have a complete file by the time the last hearing was noticed.

Accordingly, with today's hearing, since the changeover last year we will have held hearings for 103 of the 110 eligible judicial nominees with complete files. Thus, 94 percent of this President's judicial nominees who had completed files have been given hearings. This remarkable achievement is irrefutable evidence of the good-faith efforts we have made to restore order to the confirmation process—good faith efforts that we continue to hope will be matched by the White House.

I am certain that President Clinton would have been overcome with grati-

tude if the Republicans ever gave 94 percent of his judicial nominees hearings in the years Republicans controlled the confirmation process during his administration. They never did. Instead, in 1995 for example, Republicans allowed only 58 of the 86 pending judicial nominations of President Clinton to be confirmed, nowhere near 100 percent or even 90 percent.

In 1996, Republicans allowed only 17 of the 49 pending judicial nominees, or 35 percent, to be confirmed, and none were circuit court nominees. In 1997, Republicans allowed only 36 of the 79 Clinton nominees to be confirmed, or 46 percent. In 1998, Republicans allowed 66 of 92 pending judicial nominees to be confirmed. In 1999 they allowed only 33 of the 71 judicial nominees to be confirmed, about 46 percent, and in 2000 they allowed only 39 of the 81 pending judicial nominees to be confirmed, or 48 percent. Thus, during their 6 years of Senate control during the Clinton administration, Republicans allowed only about half of the judicial nominations to be confirmed on average per year. Their percentages are even worse for circuit court nominees. These are detailed in my floor statement of October 4.

To this point, the Senate Judiciary Committee has voted on more judicial nominees—83—and on more circuit court nominees—17—than in any comparable 15-month period of prior Republican control. The Democratic-led Senate has already confirmed 80 of the judicial nominations of President George W. Bush. In so doing, we have confirmed more judicial nominees in less than 15 months that were confirmed in the last 30 months that a Republican majority controlled the Senate. We have done more in half the time.

The expeditious pace should not be construed as a rush to process the appointment of judges to lifetime positions. I ask unanimous consent to print in the RECORD several recently published editorials from the Rutland Herald, the Barre Montpelier Times Argus and the Los Angeles Times. Each of these articles emphasize the important obligation of the Senate to thoroughly review the records of the President's judicial nominees. They serve as an important reminder that our outstanding record of treating President Bush's nominees more fairly and more expeditiously than President Clinton's nominees were treated.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Oct. 3, 2002]

CAUTION ON COURT NOMINEES

Since George Washington took the oath of office, U.S. presidents have nominated 140 men and women to the Supreme Court and many more to the federal courts of appeal and trial courts. In two centuries, the Senate has rejected 11 Supreme Court nominees and an uncertain number of prospective lower court judges. Seven others withdrew their high court nominations, some to avoid likely defeat.

The Senate has blocked ideologues, including die-hard Federalists during the 18th and early 19th centuries, who it concluded would not put aside their political beliefs on the bench. It killed the nominations of men viewed as skills for special interests and rejected others for being ethically compromised or simply not smart enough or wise enough to sit on federal courts for life.

That history matters as the Senate Judiciary Committee considers Dennis Shedd, Michael McConnell and Miguel Estrada for seats on the U.S. Court of Appeals. Republicans insist that the Senate panel, now with a one-vote Democratic edge, has dragged its feet in confirming President Bush's picks and that the tough questions senators have asked these three men and others about their judicial philosophy and temperament are a partisan effort to destroy the reputations of qualified men and women. Neither charge holds water.

In the 14 months since the Democrats took narrow control of the Senate, the Judiciary Committee has confirmed 78 judges, 14 of them to appellate courts. That compares with an average of 39 confirmations a year during the six-plus years of Republican control.

The committee has readily approved men and women more centrist in their views and more likely to be fair-minded on the bench. But committee members are right to hesitate over Shedd, McConnell and Estrada.

Shedd has published a scant 60 opinions in 12 years as a judge. He has backed employers against claims by workers almost without exception. In criminal cases, he has generously interpreted the law to favor police. He held quixotically that the federal family leave law does not apply to state employees, a ruling that, by extension, could invalidate other federal civil rights protections for state workers.

McConnell has repeatedly asserted that Supreme Court precedents should not bind the current court. He has argued before the Supreme Court that religious schools should receive certain types of government aid on the same basis as public schools.

Estrada, a corporate lawyer who helped make Bush's case in the Florida recount battle, has virtually no public writings and no judicial experience. The committee needs to see the memos he wrote at the U.S. solicitor general's office, which Atty. Gen. John Ashcroft has refused to release.

The Senate's obligation in confirming judges is to the people, not the president. All three men now before the Judiciary Committee should give members pause.

[From the Rutland Herald, Oct. 7, 2002]

MESSE OFF BASE CRITIZING LEAHY (By Leslie Black)

Former Attorney General Ed Meese and his so-called "truth squad" have a nerve coming to Vermont to berate Senator Leahy and insult the intelligence of Vermont citizens.

Senator Leahy, in his important role as chair of the Senate Judiciary Committee, is holding hearings on judicial nominations responsibly and admirably. He has demonstrated a commitment to choosing judges for the federal bench who are willing to uphold the U.S. Constitution.

Meese would prefer to see President Bush's anti-women's rights, anti-civil rights nominees confirmed, and he came to Vermont to spread poisonous misinformation about Senator Leahy to the senator's own constituents.

Vermont citizens don't need any of Meese's versions of the "truth." We know who represents us in the United States Senate, and what he stands for. We wholeheartedly sup-

port Senator Leahy's considered choice of federal judges and his respect for law. We have confidence in his ability to do his job honorably.

[From the Barre Montpelier Times Argus,
Apr. 23, 2002]

DEFENDING LEAHY (By Edwin Granai)

Sen. Leahy has been accused by some Vermont Republicans of partisanship for not confirming Charles Pickering's nomination to the 5th Circuit Court of Appeals.

On the contrary, the Republican members of Leahy's committee voted the party line in support of a judge whose judicial record was often devoid of impartial objective considerations relating to existing law, and most importantly, to constitutional provisions.

Aside from the Pickering nomination, the fact is that under Leahy's chairmanship the Senate Judiciary Committee has approved 42 consecutive Bush administration appointees to the federal bench, including, though not Pickering, the 5th Circuit Court of Appeals.

Forty-two approvals out of 43 Bush nominations can hardly be considered partisan. Orrin Hatch, Leahy's Republican predecessor as chairman, sat on 53 of Clinton nominees. Didn't even give them a hearing. The partisanship in the Senate is clearly with the party of Leahy's accusers.

Patrick Leahy may be imperfect along with the rest of us. But as chairman of the Senate Judiciary Committee he has restored fairness and objectivity to the advise-and-consent role of the Senate.

[From The Barre Montpelier Times Argus,
May 15, 2002]

POLITICAL TRIAGE

Edwin Meese, former U.S. attorney general, came to Montpelier on Monday to apply a bit of political pressure aimed at forcing Sen. Patrick Leahy to take speedier action in confirming judicial nominations.

Leahy, chairman of the Senate Judiciary Committee, has responsibility for holding hearings on President Bush's nominees to the federal bench. Bush himself has criticized the delays to which he says Leahy has subjected his nominees, saying vacancies on the bench threaten the administration of justice.

That was also the pitch made by Meese on Monday. His was another voice in the partisan wrangling that surrounds the issue. But Meese needn't have bothered.

Vermont Republicans no doubt took comfort in the boost their cause received from Meese's appearance. But on the whole, Vermonters are probably pleased by the idea that Leahy is giving Bush's more extreme nominees a closer look.

Leahy has played a shrewd game on the issue. Contrary to the accusations of his Republican opponents, he has actually been more efficient than his Republican predecessors in taking action on judicial nominees.

Figures from Leahy's office show that the number of vacancies on the bench grew from 65 to 110 from 1995 to 2001 when Republicans controlled the committee. That was a time when Sen. Orrin Hatch, the Republican chairman, failed to give a hearing to numerous nominees sent up by President Clinton.

By contrast Leahy's committee has already confirmed 52 Bush nominees, which exceeds the number of nominees confirmed by the Republican Senate during the final four years of Clinton's presidency. And the number of vacancies has fallen to 84.

So what are the Republicans complaining about?

They are complaining because, even though Leahy is moving quickly to confirm

nominees, he is not moving so quickly on all of them. Those whom the Democrats view as extreme conservatives are getting a long, careful look from the committee, and their hearings have been delayed.

The committee has already rejected the nomination of Charles Pickering for the Fifth Circuit Court of Appeals. But a nomination fight like that over Pickering takes a political toll, and Leahy knows he cannot subject his committee to that kind of grueling battle on all questionable candidates.

When the Republicans controlled the Senate, they understood the strategic value of delay. They defeated 24 Clinton nominees to the appellate courts, but they did not defeat them by an outright vote. They refused to allow a vote.

Leahy has urged Bush to nominate moderate judges around whom his committee can reach a consensus. But among Bush's nominees there is a cadre of extreme conservatives with questionable records on women's rights, workers' rights, and consumers' rights.

So Leahy is performing a sort of political triage. There are so many judges to confirm that, in order to move quickly, he has decided to act on those who can be confirmed quickly. That leaves the more controversial nominees cooling their heels.

When Sen. James Jeffords abandoned the Republican Party, he made it possible for Leahy to assume the chairmanship of the Judiciary Committee. Jeffords was concerned about the extremist tendencies of the Bush administration, and now Leahy has been able to exercise power to moderate those extremist tendencies.

Meese should know that most Vermonters were pleased that Jeffords gave Leahy that chance and that Leahy is making the most of the opportunity.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred October 1, 2000 in Traverse City, MI. A 23-year-old bartender at a gay bar was attacked as he was removing the trash out of the back door of the building around 2 a.m. An attacker grabbed him by the shoulders and began shouting "faggot" and other obscenities at him. Moments later, two other men jumped into the ally, one brandishing a baseball bat. The bartender was able to run away after the initial attack, but was assaulted again after trying to return to the club several minutes later.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HONORING DR. SALVATOR ALTCHKEK

Mr. DODD. Mr. President, I rise today to pay tribute to Dr. Salvator Altchek, the beloved “\$5 doctor” of Brooklyn, NY, who passed away last month at the age of 92. I ask unanimous consent to print in the RECORD the beautiful obituary commemorating the life of Dr. Altchek written by Douglas Martin of the New York Times.

Dr. Altchek was warmly known as “the \$5 doctor” because he spent virtually his entire 67-year career treating anyone who showed up at his basement office in a working class section of Brooklyn Heights, charging them little or nothing for his services.

Despite treating thousands of people, and delivering thousands of babies, most people never heard of Dr. Altchek. That’s because he sought neither fame nor fortune. His only goal in life was to help as many people as possible. In so doing, he touched the lives of so many individuals and so many families. He was truly an American treasure.

I leave it to the words of Douglas Martin’s obituary to tell the story of Dr. Salvator Altchek, whose lifetime of selfless devotion to helping strangers will continue to serve as an inspiration to us all. I urge all of my colleagues to read this special tribute to a very, very special American.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 15, 2002]

SALVATOR ALTCHKEK, “THE \$5 DOCTOR” OF
BROOKLYN, DIES AT 92
(By Douglas Martin)

Salvator Altchek, known for 67 years as the \$5 doctor to the melting pot of Brooklyn, especially the poorer residents of affluent Brooklyn Heights, died on Tuesday. He was 92.

He continued to work until two months ago, but gave up house calls five years ago. He delivered thousands of babies and generally attended to the health needs of anyone who showed up at his basement office in the Joralemon Street row house in the Heights where he lived, charging \$5 or \$10 when he charged at all. The office, with its faded wallpaper of Parisian scenes, cracked leather furniture and antique medical devices, had not changed much since Jimmy Rios got his first penicillin shot there half a century ago.

“You could walk into his office and he could tell you what you had before you sat down,” Mr. Rios said.

Dr. Altchek often made his house calls on foot, carrying his black medical bag. He treated the poorest people, angering his wife by sending one away with his own winter coat. He welcomed longshoremen and lawyers, store owners and streetwalkers. One patient insisted on always paying him \$100 to make up for some of those who could not pay at all.

A few years ago, a homeless man knocked on his door and said he had walked all the way from Long Island to have a wounded finger treated. He had last seen the doctor as a toddler growing up in Brooklyn Heights more than 50 years before.

The doctor sometimes greeted 70-year-olds he had delivered. While it is unclear whether

he was the oldest and longest-working physician in the city, he was very likely the only one nicknamed “the \$5 doctor.” When his practice opened, he treated Arab-Americans around Atlantic Avenue and was the favored doctor of the Puerto Ricans who began to live in the row houses of Columbia Place, near the waterfront, in the 1930’s.

“He wasn’t out to make money; he was out to help people,” said Sara Mercado, whose daughter was delivered by Dr. Altchek. People in her family were among his first patients.

Ramon Colon, in his book about a Puerto Rican leader, “Carlos Tapia: A Puerto Rican Hero in New York” (Vantage, 1976), wrote:

“He is a physician who treated the poor and never asked for money from the oppressed community. They paid when they had it, and he treated them as though they were Park Avenue residents.”

Salvator Altchek was born in 1910 in Salonika, then part of the Turkish Ottoman Empire, now part of Greece. As Sephardic Jews, with roots long ago in Spain, the Altcheks spoke Ladino, a form of Spanish spoken by Sephardim that dates back to the 15th century.

The family became part of New York’s ethnic rainbow when his father, David, who spoke a half-dozen additional languages, brought the family to the city in 1914, in steerage. They lived at first on the Lower East Side, but moved to Spanish Harlem, where they felt more comfortable with Spanish-speaking people.

Dr. Altchek’s father took a variety of jobs, including selling fudge at Macy’s. But as a professional fermentation engineer, his main income, even during Prohibition, came from the ouzo, cherry brandy and wine he discreetly made and sold.

Salvator Altchek and his seven brothers and sisters made deliveries. In a favorite family story, he delivered wine to a buyer who admired it and speculated on the vintage.

“That’s fresh,” the boy chirped. “He just made it.”

He graduated from Columbia and attended New York Medical College, then in Manhattan and now in Westchester County. Emanuel Altchek, the oldest brother and the first of three of the brothers to graduate from medical school, paid Salvator’s tuition. Salvator, in turn, paid his brother Victor’s way.

Salvator Altchek worked in Prospect Heights Hospital, long since closed. But he decided that he wanted his own practice. For more than half a century, he began his workday at 8 a.m., took a half-hour off for dinner at 5 p.m. and closed the office door at 8. He then made house calls, often until midnight.

He knew everyone, and everyone knew him. Walking down a street, he would recognize gay lovers, Mafia soldiers and prominent lawyers. He often greeted someone by grabbing his hand and taking his pulse. His passion for preventive medicine surpassed his tact.

“Hello, dear, you’re looking well,” he would say to a patient. “You put on a little weight, didn’t you?”

When his wife, Blanche, died 32 years ago, he fell into a depression. His sister Stella Shapiro heard him advise a patient to find another doctor. But he gradually recovered by throwing himself into his work.

He never remarried and was especially proud of the tall linden tree in front of his house, which he dedicated to his wife. He built a bench around it that neighbors and strollers could use.

In addition to his brother Victor and sister Stella, both of Manhattan, he is survived by his daughters, Susan Aroldi of Saddle River, N.J., and Phyllis Sanguinetti of Buenos

Aires; four grandchildren; and five great-grandchildren.

Dr. Altchek was a constant personality in a neighborhood that changed many times, from proper society enclave to wartime boardinghouse district to artistic bohemia to haven for young professionals. When Truman Capote, then a Brooklyn Heights resident, invited him to his famed Black and White Ball in 1966, the doctor did not know who Capote was until he finally recalled his face from the steam bath of the St. George Hotel, Caren Pauley, a niece, said.

Once when he was held up at gunpoint, Dr. Altchek said he could not give the would-be robber any money because he had a date with an attractive woman, Ms. Pauley recalled. The robber, recognizing him, reached into his pocket and gave him \$10.

Dr. Ozgun Tasdemir, a physician who immigrated from Turkey, made Turkish candy for him, having noticed his cache of Turkish desserts in the office refrigerator. She said he brought the latest literature on her ailment to share with her.

Dr. Altchek stopped making house calls only when he could no longer walk up steps easily. He did not renew his malpractice insurance when it expired in July. He began calling up other doctors, asking them to take his patients who had no insurance.

His brother Victor said that Dr. Altchek had correctly diagnosed the abdominal condition that led to his own death. His last spoken thought was to remember that he owed a patient a medical report.

NATIONAL 4-H YOUTH DEVELOPMENT PROGRAM WEEK

Mr. DEWINE. Mr. President, I rise today, along with my friend and colleague from Oklahoma, Senator INHOFE, to pay tribute to 4-H, one of the strongest youth organizations in the country. I am proud to be a cosponsor of the legislation that Senator INHOFE introduced recently to designate October 6, 2002, through October 12, 2002, as “National 4-H Youth Development Program Week.”

4-H began in Clark County, OH. Just minutes away from where I grew up. In 1902, a century ago this year, A.B. Graham established a “Boys’ and Girls’ Agricultural Club.” There were approximately 85 children who attended that first meeting in the basement of the Clark County Courthouse in Springfield, OH. This was the start of what would be called a “4-H Club” within a few years. The first projects included food preservation, gardening and beginning agriculture.

4-H has grown from its 85 original members to approximately 300,000 in Ohio and over 6.8 million nationwide. One out of every six people in Ohio has been or is currently involved with 4-H youth development programs either as a member, parent, volunteer, or donor. The project selection has also grown from the original three to over 200. A sampling of today’s projects include health, family life, photography, aerospace science, bicycles, natural resources, safety, horticulture and nutrition.

We need organizations, like 4-H, to help guide our next generation of agriculturists, teachers, and even elected officials toward a better tomorrow. I

also am proud to say, that my wife, Fran, and I have had children go through the 4-H program for 24 straight years now, in fact, last year was our eighth and youngest child Anna's first year in 4-H.

4-H clubs have expanded from rural to urban areas, where they provide a new group of kids with essential leadership skills and community service involvement. National 4-H conferences have even become platforms for presidents and other national officials to voice their ideas for agriculture and other policies.

Although today's 4-H organization may be larger than the original 100 members and our communication has increased from town meetings to Internet chat rooms, the organization's principles of Head, Heart, Hands, and Health remain the same. Without question, the lessons and skills 4-H members learn will last a lifetime.

I am pleased to report that in Ohio, 4-H members, Nationwide Insurance, and the Ohio Farm Bureau have teamed together to create a brand new 4-H Center on the campus of The Ohio State University. The groundbreaking ceremony occurred just last month. This new Center will provide research, teaching resources, and service opportunities for youth, adult volunteers, and community organizations. The development of this Center is a result of partnerships, one of the many skills our youth learn through 4-H.

In closing, I take this opportunity to challenge other Senators to become involved in 4-H either as a parent or volunteer. I guarantee it will be one of the most rewarding experiences of their lives.

Mr. FITZGERALD. Mr. President, I rise today to recognize the week of October 6 as National 4-H Youth Development Program Week.

The need to provide a quality education and opportunities for our youth is ever-present. In order to ensure that our country continues to progress, we must encourage our youth to take active roles in their schools and their communities.

One hundred years ago, groups of concerned community members organized boys' and girls' agricultural clubs to provide better agricultural education to young people. These clubs adopted a model of learning by doing, and their popularity continued to grow. By addressing the needs of the local community, these small boys and girls clubs rapidly evolved into the National 4-H Program that now can be found in communities across America.

Today, 7 million youth and 50 million 4-H alumni participate in over 1,000 4-H programs, ranging from robotics and biotechnology to skateboarding and agriculture. These programs provide opportunities for youth to participate in innovative programs through which they can develop valuable, lifelong skills.

During my tenure as a U.S. Senator, I have enjoyed meeting with 4-H lead-

ers and members throughout the State of Illinois, and have seen first-hand how the 4-H program has changed the lives of our young people. I have also appreciated the extraordinary dedication that 4-H leaders bring to their clubs.

It was with pride that I cosponsored the resolution submitted by Senator INHOFE and Senator STABENOW declaring the week of October 6 as "National 4-H Youth Development Program Week." I hope that the 4-H program will build on the successes of the last one hundred years and hold true to the 4-H motto "to make the best better" in the years to come.

TRIBUTE TO ELECTION JUDGES

Mr. DAYTON. Mr. President, I am pleased today to pay tribute to those Americans who play a very special role in our democracy, the citizens who volunteer to serve as election judges. They work at the polls on Election Day, safeguarding our most precious right as Americans, the right to choose our leaders whom we then trust to govern, legislate on our behalf, and protect our rights and freedoms. Having received training in election laws and rules, judges open and close the polls, making a formidable commitment of time, energy, and stamina to work all day, often from before dawn until after dark. Some judges must promise to remain inside the polling place all day. They distribute ballots, tend to ballot boxes, count ballots, strictly adhering to prescribed procedures to ensure secrecy and accuracy of election materials. The judges process absentee ballots, help voters who require assistance, register new voters, and make certain that only qualified voters are permitted to vote. Recent history has taught us, all too dramatically, how important this process of validation is.

To undertake this form of volunteer service is truly to exercise one's civic responsibility while also facilitating that right and duty for one's fellow citizens. While voters with strong party interests might be drawn to the position, a judge's job is not to influence voters. To be an election judge is to be a citizen-activist on a very basic, very human level. The activities of a judge, although routine, figure among the most rewarding and meaningful that an ordinary citizen can perform. Older Americans, especially retirees, regard it as a welcome way to keep in touch with what's happening in the broader community and to connect with their neighbors.

Election judges are people of character and dedication. The official functions they pledge to perform are honorable and indispensable to our society. On Election Day, November 5th, many thousands of fine Americans will invest their time by fulfilling the role of election judge. We are most fortunate to have these conscientious citizens. I am proud to express my appreciation for their valuable service which makes our form of government work.

ADDITIONAL STATEMENTS

HEALTH CARE HERO

• Mr. SMITH of Oregon. Mr. President, today I rise to salute Terry O. Finklein, a true healthcare and community hero for Oregon. Terry is the chief executive officer of Columbia Memorial Hospital in Astoria, OR. Columbia Memorial evolved from the north coast's oldest hospital in 1927, and has served the people of Clatsop County, OR for generations.

Not long ago, Columbia Memorial Hospital was on the brink of closing because of financial problems. Terry arrived at Columbia Memorial in late 1989 and promptly turned the financially troubled hospital around. When you lead a rural hospital, financial heroics are an ongoing necessity.

Over the last decade Terry's accomplishments include implementation of a \$3.5 million dollar hospital building project, successive 3-year JCAHO accreditations, creation of a Home Health Care program and the establishment of a Medicare certified hospice program.

Terry is counted among the pioneers of Oregon's statewide trauma system. He built a helipad on Columbia Memorial's front lawn, something everyone swore "couldn't be done", brought the hospital's Emergency Room and staff up to a standard of excellence that earned the hospital State designation as a Level III Trauma Center, and doubled the size of the ER.

Last year, Terry's community lost the services of five physicians in one week with the closure of a clinic. As most of my colleagues from rural States know, physician recruitment in rural communities is tough. So is the clinic business. In order to ensure that the residents of Clatsop County had access to stable health care, Terry took Columbia Memorial into the non-profit clinic business. He implemented the Columbia Memorial Hospital Women's Center, which is now staffed by three excellent physicians and a certified nurse midwife.

Statistically, Clatsop County's children are an at-risk population. Terry decided to tackle this issue at its roots by administering the Healthy Families program of Clatsop County. This program offers at-risk babies and parents a "how to" helping hand with regular home visits and access to other agencies as needed.

In Clatsop County, 45 percent of the population has incomes at or below 200 percent of the federal poverty level. Combine that with a shortage of physicians, and access to health care becomes a major issue. About a year ago, Terry envisioned a federally funded clinic. "It can't be done," folks said. This time Terry went directly to his community partners for support. He received dozens of letters of support. He funded and implemented research and a grant proposal. He spent, and still spends, hours on project implementation.

In December of this year, the Coastal Family Health Center will open for business. It will provide general health care, dental care and mental health services in a community where these services are desperately needed.

For his service and dedication to the health of the people in Clatsop County, OR, I salute Terry O. Finklein, a true hero for Oregon.●

COMMENDING ISRAEL BROOKS

● Mr. HOLLINGS. Mr. President, I want to pay tribute to Israel Brooks, a native of Newberry County, SC, as he retires from a 35-year career in law enforcement, most recently as the U.S. Marshal for the District of South Carolina.

In March of 1994, I nominated Mr. Brooks to that important position, and I believe his record in the past eight years has proven what this Senator has long felt: it is one of the best nominations I ever made. He has served with such great distinction that in 1996 the District of South Carolina, under Mr. Brooks' leadership, earned the "Distinguished District of the Year Award" for being the best in the nation in efficiency, service, and work ethics.

Mr. Brooks served in the South Carolina Highway Patrol, being promoted through the ranks all the way up to Major. He served his country as a U.S. Marine. He also served his community, devoting an incredible amount of time and effort to helping elementary, junior high, and senior high students throughout the state.

We will miss Mr. Brooks. I know all the Senators in this body not only thank him for his many achievements, but wish him and his family all the best.●

MEASURE PLACED ON THE CALENDAR

The Committee on Indian Affairs was discharged from further consideration of the following bill, which was placed on the calendar:

S. 2018. A bill to establish the T'uf Shur Bein Preservation Trust Area within the Cibola National Forest in the State of New Mexico to resolve a land claim involving the Sandia Mountain Wilderness, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself and Mr. HATCH):

S. 3063. A bill to establish a Citizens Health Care Working Group to facilitate public debate about how to improve the health care system for Americans and to provide for a vote by Congress on the recommendations that are derived from this debate; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida:

S. 3064. A bill to prohibit the use of patient databases for marketing without the express

consent of the patient; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HUTCHINSON (for himself, Mr. INHOFE, and Mr. SCHUMER):

S. 3065. A bill to provide exceptions to empowerment zone eligibility criteria; to the Committee on Finance.

By Mr. INOUE:

S. 3066. A bill to improve programs relating to Indian tribes; to the Committee on Indian Affairs.

By Mr. THOMPSON:

S. 3067. A bill to amend title 44, United States Code, to make Government information security reform permanent, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SPECTER:

S. 3068. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to use the price of feed grains and other cash expenses as factors to determine the basic formula price for milk under milk marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Res. 335. A resolution relative to the death of Jo-Anne Coe; considered and agreed to.

By Mr. BOND:

S. Con. Res. 150. A concurrent resolution welcoming Her Majesty Queen Sirikit of Thailand on her visit to the United States, and for other purposes; considered and agreed to.

ADDITIONAL COSPONSORS

S. 830

At the request of Mr. CHAFEE, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 874

At the request of Mr. TORRICELLI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 874, a bill to require health plans to include infertility benefits, and for other purposes.

S. 1129

At the request of Mr. WARNER, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1129, a bill to increase the rate of pay for certain offices and positions within the executive and judicial branches of the Government, respectively, and for other purposes.

S. 2215

At the request of Mrs. BOXER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons

of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2562

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2562, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 2608

At the request of Mr. HOLLINGS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2608, a bill to amend the Coastal Zone Management Act of 1972 to authorize the acquisition of coastal areas in order better to ensure their protection from conversion or development.

S. 2903

At the request of Mr. SMITH of Oregon, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2903, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care.

S. 2943

At the request of Mr. FEINGOLD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2943, a bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts.

S. 3009

At the request of Mr. WELLSTONE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3009, a bill to provide economic security for America's workers.

S. 3018

At the request of Mr. HUTCHINSON, his name was added as a cosponsor of S. 3018, a bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes.

S. 3049

At the request of Mr. ALLEN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 3049, a bill to prohibit the Administrator of the Environmental Protection Agency from issuing or renewing certain national pollutant discharge elimination system permits.

S.J. RES. 46

At the request of Mr. LIEBERMAN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S.J. Res. 46, a joint resolution to authorize the use of United States Armed Forces against Iraq.

S. RES. 266

At the request of Mr. VOINOVICH, his name was added as a cosponsor of S. Res. 266, a resolution designating October 10, 2002, as "Put the Brakes on Fatalities Day".

S. RES. 333

At the request of Mr. HUTCHINSON, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Iowa (Mr. GRASSLEY), the Senator from Wyoming (Mr. THOMAS), and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Res. 333, a resolution expressing the sense of the Senate relating to a dispute between the Pacific Maritime Association and the International Longshore and Warehouse Union.

S. CON. RES. 142

At the request of Mr. SMITH of Oregon, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Con. Res. 142, a concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

S. CON. RES. 146

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Con. Res. 146, a concurrent resolution supporting the goals and ideas of National Take Your Kids to Vote Day.

S. CON. RES. 149

At the request of Mr. LEVIN, his name was added as a cosponsor of S. Con. Res. 149, a concurrent resolution recognizing the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself and Mr. HATCH):

S. 3063. A bill to establish a Citizens Health Care Working Group to facilitate public debate about how to improve the health care system for Americans and to provide for a vote by Congress on the recommendations that are derived from this debate; to the Committee on Health, Education, Labor, and Pensions.

Mr. WYDEN. Mr. President, today I join with Senator ORRIN HATCH, one of the most caring and thoughtful public officials I have ever known, in offering a bipartisan roadmap to creating a health care system that works for all Americans. Our country has been trying to find such a path since President Harry Truman's proposal to cover all Americans was voted down in 1945. I believe the Wyden-Hatch proposal can succeed after 57 years of failure because our bipartisan plan begins with the public discussing and deciding their health care priorities, followed by a guarantee Congress will actually vote on the recommendations that result from this grassroots debate.

This approach has never been tried before. Now, when major health laws

are written, politicians sit down and prescribe what benefits will be offered, and then try to come up with the money to pay for them. After the politicians write their plans, the special interest lobbies start attacking one feature or another through shrill television commercials. Pretty soon, the public gets understandably confused, the chance for building consensus is lost, and important health care needs go unmet.

The 280 million Americans whose survival depends on quality, affordable health care have never been given the chance to shape their health care future before the special interest lobbyists weigh in. The Wyden-Hatch bill changes that. Under our proposal, the public gets to jump-start health reform by stating their priorities at the outset, rather than being treated as an afterthought. We believe our legislation can serve as an illuminated route to a health care system where each American has the ability to obtain quality, affordable health care coverage. We placed three signposts on our roadmap to provide guidance to the American people and their elected officials as they make the tough choices inherent in tackling health care reform.

At the first signpost, the public is given an extensive opportunity, in their home communities and on line, to state their personal health care priorities and how they should be paid for. In addition, the public will be asked to look beyond their personal needs, to those of the community at large, and how those needs should be paid for.

Our legislation forthrightly asks the questions that must be answered to have meaningful health reform—questions such as: What kind of health care do you want most? How much are you willing to pay? How should costs be contained without sacrificing the quality of care? Should the Government or private businesses be required to pay a portion of your costs? How about those of your neighbors?

Our national Government has never directly asked the public these questions. After asking these questions, the Government ought to keep quiet for a bit and listen to the people because without some sense of the public's view, it is always going to be virtually impossible to create a health care system that works for everyone, with the consensus that is needed to get it done.

To ask the key questions and follow up on the suggestions given by the American people, the Wyden-Hatch legislation creates a Citizens' Health Care Working Group. The Working Group is made up of a representative cross-section of our people. It is not just another Washington, DC commission of so-called policy experts.

The Working Group directs the public participation portion of this proposal. For example, as a guide to help the public in formulating their views on the tough choices that lie ahead, the Wyden-Hatch legislation directs

the Working Group to prepare and make widely available a "Health Report to the American People."

The legislation we have authored requires that this report be written in understandable language and describe the cost and availability of the major public and private health choices now available—and also contain enough information so the public can create alternatives. Here are the kinds of issues we want to address: "If covering liver transplants under government health programs requires cutting other services, what services are you willing to cut, or would you rather not have liver transplants covered? If government coverage of long-term care for the elderly would require workers to begin contributing to the program at age 40, is it still worth it to you?"

These are moral choices about what health care the public has a right to expect. These are economic choices that affect the finances of our families. These are legal and social choices that will be difficult for our people to make. The Wyden-Hatch proposal is built around the proposition that these choices are too important to duck any longer.

After establishing a sense of how the public feels about these hard choices, the legislation directs that the Working Group move to the second signpost on our roadmap. There the Working Group is to take the ideas offered by the American people, and translate these views into recommendations for our elected officials to create a health care system that works for all. With the Working Group's involvement in the public participation requirement of this legislation, we believe they are the right people to take this historic step: to synthesize the opinions and information provided by the public and then present a faithful picture to Congress.

At the third signpost, the Congress takes the recommendations from the Working Group and utilizes the legislative process to develop one or more plans for the recommendations, with a guarantee to the public that the plans will be voted on in both Houses of Congress. We believe that the assurance that Congress will vote after the public's will is expressed provides an added measure of credibility for this legislation. Simply put, people will be able to see their voices, their participation, lead to actual votes on the floors of both Houses of Congress to create a health care system that works for all. With these steps I have described, our country can as never before discuss, decide and deliver on health care reforms.

I know there will be many questions about this proposal, and I'll try to answer them in the coming days. I'd like to briefly answer just one question I've already been asked: "Why now? This is the end of the Congressional session; we are all concerned about the possibility of war with Iraq. Why are you putting this before Congress today?"

My answer is that the lack of decent health care for so many Americans,

and the skyrocketing costs of coverage for insured Americans, threaten countless lives and our economic security just as tenaciously as any foreign enemy our Nation has ever faced. Just as we are beginning a debate about how best to address the Nation's security interests, it is high time Congress resumed the debate about how to address the inequities and failures of the American health care system.

On health care, our families can't afford to wait any longer. Congress is completing another session without significant progress on major health care issues. A demographic tsunami of baby boomer retirees is coming soon. It is increasingly evident that piecemeal health reform—considering prescription drugs one day, patients' rights legislation the next, something else after that—isn't working.

I have no intention on giving up on any one of those important issues when it's possible to get Congress to consider them separately. I still believe the bipartisan prescription drug bill I authored with OLYMPIA SNOWE could bring the Senate together and help seniors get and afford prescription medicine now.

Yet is clear that because health care is like an ecosystem, with one part affecting all others, it is extremely difficult to make real progress on a single important issue without factoring in the way it will ripple through our entire health care system.

So as the Congress pushes ahead on prescriptions and other urgent needs, let us simultaneously reopen the debate about creating a health care system that works for all. That debate stopped in 1994, and needs to begin again. The Wyden-Hatch bill provides an opportunity to reopen this debate, and by introducing our bill now we believe it will be ready for full Congressional deliberation when the next Congress begins in January.

One way or another, it is urgent that Congress find a way to do better by the people's health care needs.

My constituents at home in Oregon make this case constantly. At town meetings, Chamber of Commerce lunches, labor halls, non-profit board meetings, after church coffee hours, and especially at my "sidewalk office hours" where I just set up a card table to listen, they ask, "RON, when's Congress going to get going on health care and help us out?"

One Oregon business after another has been telling me their health premiums are going up by as much as 20 percent a year. The number of uninsured is going up, with many of these individuals working at small businesses whose owners desperately want to offer health coverage and can't figure out how to do it and keep their doors open. Many physicians have been leaving government health programs because of inadequate reimbursements. Thousands and thousands of pages of health care regulations now exist and the system is almost choking on all the bureaucracy.

We know that America's health care system is scientifically prodigious. Every day our dedicated and caring health care providers are performing miracles. Last year more than \$1.4 trillion was spent on health care in America. Divide that sum by the number of Americans, and there would be enough for every family of four to receive more than \$18,000 for health care. With all this money, and so much talent and creativity in America, shouldn't it be possible to create a health system that works for everyone?

Senator HATCH and I believe it is. We know it will be hard, but we believe it can be done if our roadmap is used.

For example, to achieve real reform our elected officials are going to have to reject the blame game. Republicans can no longer say the problem in health care is primarily the trial lawyers. Democrats can no longer say the problem in health care is primarily the insurance companies. All—let me repeat, all—of the powerful lobbies are going to have to accept some changes they have rejected in the past if America is to have a health care system that works for everyone. I believe that's what we'll hear from the public if they're given the chance to discuss and decide their health care priorities as the Wyden-Hatch legislation envisions.

Before I wrap up, I wish to offer a few thank yous.

The first thank you is to the people of Oregon. They have honored me with a chance to serve, and I get up every morning feeling like the luckiest guy around. It was not very long ago, as co-director of the Oregonian Gray Panthers, I was driving to senior citizens meetings in a beat-up station wagon, and I never thought I would have the privilege of being able to serve in this capacity.

Oregonians can see I have modeled much of this legislation after the debate that Oregon has had on health care. And we are proud that we are the first of the initiatives to ask the tough questions.

Oregonians began asking those difficult questions more than a decade ago in community meetings, for one reason: Gov. John Kitzhaber, an emergency room physician, insisted that we do it. He deserves great credit for his efforts, his courage, and his tenacity. When I told him I was going to push Congress to build on Oregon's public process, the Governor said: Go for it.

Senator HATCH—and I note that Senator HATCH is in the Chamber this morning—could easily have said he wanted no part of this whole discussion. Senator HATCH has written several vital health care laws, from his S-CHIP legislation, to his community health centers bill, to the Hatch-Waxman legislation, to make sure there are pharmaceuticals available for the public, and that they are affordable. All of those pieces of legislation have made a huge contribution.

Senator HATCH has about the fullest plate in the Senate, with his Judiciary

and Intelligence responsibilities, but he and Patricia Knight and Patricia DeLoatche have been thoughtful and patient as we went through draft after draft of this proposal in an effort to start the discussion now. I want Senator HATCH to know how grateful I am to him.

Dr. Paul Ellwood, who founded the Jackson Hole Health Group, has been working for more than three decades to create a health system that works for everybody. Now, when he could be enjoying retirement, riding horses in beautiful Wyoming, he is still bringing together health care policymakers, at 7 o'clock on a Sunday morning, in an effort to try to find a consensus on the kinds of common ground that Senator HATCH and I are pursuing.

Dr. Ellwood has been so helpful in the development of this proposal and his own new plan called Heroic Pathways, which encourages the use of information technologies and evidence-based medicine, which is a fancy way of saying health care that actually works. I am of the view that Dr. Ellwood's ideas have great potential. To Paul and Barbara Ellwood, I say this morning, we would not be here today without you.

In my office, Stephanie Kennan and Carole Grunberg kept us tethered to reality, and Ms. Daphne Edwards, a young lawyer in the legislative counsel's office, produced eight separate drafts of this legislation alone.

Finally, I went into public life because I have always believed if people could not get affordable, quality health care, they were not in a position to be able to do much of anything else. Since those Gray Panther days, I have believed that it is wrong for people in this country to die because they could not get health care or because it came too late.

America is now hemorrhaging dollars into a health care system that simply does not work at all for too many people. The longer people go on dying needlessly, and the longer prosperity and security allude our families, the less America looks like the America of our dreams. No one I know thinks it should be so easy to slip through the cracks in our health care system. No one I know believes America is supposed to be a place where people forfeit their well-being for doing honest work that just does not pay enough for good medical care.

The Wyden-Hatch legislation is a chance to move toward America as it is meant to be. People can voice their vision for health care in America. Their voices can count. Their vision can come to pass.

So today I ask the Senate to give our people this opportunity. The Wyden-Hatch bill provides a roadmap. The great people of this country, working with their public servants, can use it as a guide to a health care system that works for everyone.

Mr. President, I see that my colleague is on the floor this morning. I

wrap up by again expressing my appreciation to Senator HATCH. I have come to the conclusion that if you want to get anything important done, particularly in health care, it has to be bipartisan. Senator HATCH and I have been talking about this health care reform for an awfully long time. He has been extraordinarily patient—he and his staff—in working with me. I think we bring to the Senate today a chance, as we end this session—a session where there has not been the progress the people deserve on health care—a chance to move forward in a bipartisan way. I am just especially grateful to my colleague from the State of Utah, who is one of the most caring people I have known in public life, for all his help.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Health Care That Works for All Americans Act of 2002”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) In order to improve the health care system, the American public must engage in an informed national public debate to make choices about the services they want covered, what health care coverage they want, and how they are willing to pay for coverage.

(2) More than a trillion dollars annually is spent on the health care system, yet—

(A) 41,000,000 Americans are uninsured;

(B) insured individuals do not always have access to essential, effective services to improve and maintain their health; and

(C) employers, who cover over 170,000,000 Americans, find providing coverage increasingly difficult because of rising costs and double digit premium increases.

(3) Despite increases in medical care spending that are greater than the rate of inflation, population growth, and Gross Domestic Product growth, there has not been a commensurate improvement in our health status as a nation.

(4) Health care costs for even just 1 member of a family can be catastrophic, resulting in medical bills potentially harming the economic stability of the entire family.

(5) Common life occurrences can jeopardize the ability of a family to retain private coverage or jeopardize access to public coverage.

(6) Innovations in health care access, coverage, and quality of care, including the use of technology, have often come from States, local communities, and private sector organizations, but more creative policies could tap this potential.

(7) Despite our Nation's wealth, the health care system does not provide coverage to all Americans who want it.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to provide for a nationwide public debate about improving the health care system to provide every American with the ability to obtain quality, affordable health care coverage; and

(2) to provide for a vote by Congress on the recommendations that result from the debate.

SEC. 4. CITIZENS' HEALTH CARE WORKING GROUP.

(a) **ESTABLISHMENT.**—The Secretary, acting through the Agency for Healthcare Research and Quality, shall establish an entity to be known as the Citizens' Health Care Working Group (referred to in this Act as the “Working Group”).

(b) **APPOINTMENT.**—Not later than 45 days after the date of enactment of this Act, the Speaker and Minority Leader of the House of Representatives and the Majority Leader and Minority Leader of the Senate (in this section referred to as the “leadership”) shall each appoint individuals to serve as members of the Working Group in accordance with subsections (c), (d), and (e).

(c) **MEMBERSHIP CRITERIA.**—

(1) **APPOINTED MEMBERS.**—

(A) **SEPARATE APPOINTMENTS.**—The Speaker of the House of Representatives jointly with the Minority Leader of the House of Representatives, and the Majority Leader of the Senate jointly with the Minority Leader of the Senate, shall each appoint 1 member of the Working Group described in subparagraphs (A), (G), (J), (K), and (M) of paragraph (2).

(B) **JOINT APPOINTMENTS.**—Members of the Working Group described in subparagraphs (B), (C), (D), (E), (F), and (N) of paragraph (2) shall be appointed jointly by the leadership.

(C) **COMBINED APPOINTMENTS.**—Members of the Working Group described in subparagraphs (H) and (L) shall be appointed in the following manner:

(i) One member of the Working Group in each of such subparagraphs shall be appointed jointly by the leadership.

(ii) The remaining appointments of the members in each of such subparagraphs shall be divided equally such that the Speaker of the House of Representatives jointly with the Minority Leader of the House of Representatives, and the Majority Leader of the Senate jointly with the Minority Leader of the Senate each appoint an equal number of members.

(2) **CATEGORIES OF APPOINTED MEMBERS.**—Members of the Working Group shall be appointed as follows:

(A) 2 members shall be patients or family members of patients who, at least 1 year prior to the date of enactment of this Act, have had no health insurance.

(B) 1 member shall be a representative of children.

(C) 1 member shall be a representative of the mentally ill.

(D) 1 member shall be a representative of the disabled.

(E) 1 member shall be over the age of 65 and a beneficiary under the medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(F) 1 member shall be a recipient of benefits under the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(G) 2 members shall be State health officials.

(H) 3 members shall be employers, including—

(i) 1 large employer (an employer who employed 50 or more employees on business days during the preceding calendar year and who employed at least 50 employees on the first of the year);

(ii) 1 small employer (an employer who employed an average of at least 2 employees but less than 50 employees on business days in the preceding calendar year and who employs at least 2 employees on the first of the year); and

(iii) 1 multi-state employer.

(I) 1 member shall be a representative of labor.

(J) 2 members shall be health insurance issuers.

(K) 2 members shall be health care providers.

(L) 5 members shall be appointed as follows:

(i) 1 economist.

(ii) 1 academician.

(iii) 1 health policy researcher.

(iv) 1 individual with expertise in pharmacoeconomics.

(v) 1 health technology expert.

(M) 2 members shall be representatives of community leaders who have developed State or local community solutions to the problems addressed by the Working Group.

(N) 1 member shall be a representative of a medical school.

(3) **SECRETARY.**—The Secretary of Health and Human Services or the designee of the Secretary of Health and Human Services shall be a member of the Working Group.

(d) **PROHIBITED APPOINTMENTS.**—Members of the Working Group shall not include members of Congress or other elected government officials (Federal, State, or local) other than those individuals specified in subsection (c). To the extent possible, individuals appointed to the Working Group shall have used the health care system within the previous 2 years and shall not be paid employees or representatives of associations or advocacy organizations involved in the health care system.

(e) **APPOINTMENT CRITERIA.**—

(1) **HOUSE OF REPRESENTATIVES.**—The Speaker and Minority Leader of the House of Representatives shall make the appointments described in subsection (b) in consultation with the chairperson and ranking member of the following committees of the House of Representatives:

(A) The Committee on Ways and Means.

(B) The Committee on Energy and Commerce.

(C) The Committee on Education and the Workforce.

(2) **SENATE.**—The Majority Leader and Minority Leader of the Senate shall make the appointments described in subsection (b) in consultation with the chairperson and ranking member of the following committees of the Senate:

(A) The Committee on Finance.

(B) The Committee on Health, Education, Labor, and Pensions.

(f) **PERIOD OF APPOINTMENT.**—Members of the Working Group shall be appointed for a term of 2 years. Such term is renewable and any vacancies shall not affect the power and duties of the Working Group but shall be filled in the same manner as the original appointment.

(g) **APPOINTMENT OF THE CHAIRPERSON.**—Not later than 15 days after the date on which all members of the Working Group have been appointed under subsection (b), the leadership shall make a joint designation of the chairperson of the Working Group. If the leadership fails to make such designation within such time period, the Working Group Members shall, not later than 10 days after the end of such time period, designate a chairperson by majority vote.

(h) **SUBCOMMITTEES.**—The Working Group may establish subcommittees if doing so increases the efficiency of the Working Group in completing its tasks.

(i) **DUTIES.**—

(1) **HEARINGS.**—Not later than 90 days after the date of appointment of the chairperson under subsection (g), the Working Group shall hold hearings to examine—

(A) the capacity of the public and private health care systems to expand coverage options;

(B) the cost of health care and the effectiveness of care provided at all stages of disease, but in particular the cost of services at the end of life;

(C) innovative State strategies used to expand health care coverage and lower health care costs;

(D) local community solutions to accessing health care coverage;

(E) efforts to enroll individuals currently eligible for public or private health care coverage;

(F) the role of evidence-based medical practices that can be documented as restoring, maintaining, or improving a patient's health, and the use of technology in supporting providers in improving quality of care and lowering costs; and

(G) strategies to assist purchasers of health care, including consumers, to become more aware of the impact of costs, and to lower the costs of health care.

(2) **ADDITIONAL HEARINGS.**—The Working Group may hold additional hearings on subjects other than those listed in paragraph (1) so long as such hearings are determined to be necessary by the Working Group in carrying out the purposes of this Act. Such additional hearings do not have to be completed within the time period specified in paragraph (1) but shall not delay the other activities of the Working Group under this section.

(3) **THE HEALTH REPORT TO THE AMERICAN PEOPLE.**—Not later than 90 days after the hearings described in paragraphs (1) and (2) are completed, the Working Group shall prepare and make available to health care consumers through the Internet and other appropriate public channels, a report to be entitled, "The Health Report to the American People". Such report shall be understandable to the general public and include—

(A) a summary of—

(i) health care and related services that may be used by individuals throughout their life span;

(ii) the cost of health care services and their medical effectiveness in providing better quality of care for different age groups;

(iii) the source of coverage and payment, including reimbursement, for health care services;

(iv) the reasons people are uninsured or underinsured and the cost to taxpayers, purchasers of health services, and communities when Americans are uninsured or underinsured;

(v) the impact on health care outcomes and costs when individuals are treated in later stages of disease;

(vi) health care cost containment strategies; and

(vii) information on health care needs that need to be addressed;

(B) examples of community strategies to provide health care coverage or access;

(C) information on geographic-specific issues relating to health care;

(D) information concerning the cost of care in different settings, including institutional-based care and home and community-based care;

(E) a summary of ways to finance health care coverage; and

(F) the role of technology in providing future health care including ways to support the information needs of patients and providers.

(4) **COMMUNITY MEETINGS.**—

(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Working Group shall initiate health care community meetings throughout the United States (in this section referred to as "community meetings"). Such community meetings may be geographically or regionally

based and shall be completed within 180 days after the initiation of the first meeting.

(B) **NUMBER OF MEETINGS.**—The Working Group shall hold a sufficient number of community meetings in order to receive information that reflects—

(i) the geographic differences throughout the United States;

(ii) diverse populations; and

(iii) a balance among urban and rural populations.

(C) **MEETING REQUIREMENTS.**—

(i) **FACILITATOR.**—A State health officer may be the facilitator at the community meetings.

(ii) **ATTENDANCE.**—At least 1 member of the Working Group shall attend and serve as chair of each community meeting. Other members may participate through interactive technology.

(iii) **TOPICS.**—The community meetings shall, at a minimum, address the following issues:

(I) The optimum way to balance costs and benefits so that affordable health coverage is available to as many people as possible.

(II) The identification of services that provide cost-effective, essential health care services to maintain and improve health and which should be included in health care coverage.

(III) The cost of providing increased benefits.

(IV) The mechanisms to finance health care coverage, including defining the appropriate financial role for individuals, businesses, and government.

(iv) **INTERACTIVE TECHNOLOGY.**—The Working Group may encourage public participation in community meetings through interactive technology and other means as determined appropriate by the Working Group.

(D) **INTERIM REQUIREMENTS.**—Not later than 180 days after the date of completion of the community meetings, the Working Group shall prepare and make available to the public through the Internet and other appropriate public channels, an interim set of recommendations on health care coverage and ways to improve and strengthen the health care system based on the information and preferences expressed at the community meetings. There shall be a 90-day public comment period on such recommendations.

(j) **RECOMMENDATIONS.**—Not later than 120 days after the expiration of the public comment period described in subsection (h)(3)(D), the Working Group shall submit to Congress and the President a final set of recommendations, including any proposed legislative language to implement such recommendations.

(k) **ADMINISTRATION.**—

(1) **EXECUTIVE DIRECTOR.**—There shall be an Executive Director of the Working Group who shall be appointed by the chairperson of the Working Group in consultation with the members of the Working Group.

(2) **COMPENSATION.**—While serving on the business of the Working Group (including travel time), a member of the Working Group shall be entitled to compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from home and the member's regular place of business, a member may be allowed travel expenses, as authorized by the chairperson of the Working Group. For purposes of pay and employment benefits, rights, and privileges, all personnel of the Working Group shall be treated as if they were employees of the Senate.

(3) **INFORMATION FROM FEDERAL AGENCIES.**—The Working Group may secure directly from any Federal department or agency such information as the Working Group considers necessary to carry out this Act. Upon request of the Working Group, the head of such

department or agency shall furnish such information.

(4) **POSTAL SERVICES.**—The Working Group may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(1) **DETAIL.**—Not more than 10 Federal Government employees employed by the Department of Labor and 10 Federal Government employees employed by the Department of Health and Human Services may be detailed to the Working Group under this section without further reimbursement. Any detail of an employee shall be without interruption or loss of civil service status or privilege.

(m) **TEMPORARY AND INTERMITTENT SERVICES.**—The chairperson of the Working Group may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(n) **ANNUAL REPORT.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter during the existence of the Working Group, the Working Group shall report to Congress and make public a detailed description of the expenditures of the Working Group used to carry out its duties under this section.

(o) **SUNSET OF WORKING GROUP.**—The Working Group shall terminate when the report described in subsection (j) is submitted to Congress.

SEC. 5. CONGRESSIONAL ACTION.

(a) **DRAFTING.**—If the Working Group does not provide legislative language in the report under section 4(j) then the committees described in paragraphs (1) and (2) of section 4(e) may draft legislative language based on the recommendations of the Working Group.

(b) **BILL INTRODUCTION.**—

(1) **IN GENERAL.**—Any legislative language described in subsection (a) may be introduced as a bill by request in the following manner:

(A) **HOUSE OF REPRESENTATIVES.**—In the House of Representatives, by the Majority Leader and the Minority Leader not later than 10 days after receipt of the legislative language.

(B) **SENATE.**—In the Senate, by the Majority Leader and the Minority Leader not later than 10 days after receipt of the legislative language.

(2) **ALTERNATIVE BY ADMINISTRATION.**—The President may submit legislative language based on the recommendations of the Working Group and such legislative language may be introduced in the manner described in paragraph (1).

(c) **COMMITTEE CONSIDERATION.**—

(1) **IN GENERAL.**—Any legislative language submitted pursuant to paragraph (1) or (2) of subsection (b) (in this section referred to as "implementing legislation") shall be referred to the appropriate committees of the House of Representatives and the Senate.

(2) **REPORTING.**—

(A) **COMMITTEE ACTION.**—If, not later than 150 days after the date on which the implementing legislation is referred to a committee under paragraph (1), the committee has reported the implementing legislation or has reported an original bill whose subject is related to reforming the health care system, or to providing access to affordable health care coverage for Americans, the regular rules of the applicable House of Congress shall apply to such legislation.

(B) **DISCHARGE FROM COMMITTEES**

(i) **SENATE.**—

(I) **IN GENERAL.**—If the implementing legislation or an original bill described in subsection (A) has not been reported by a

committee of the Senate within 180 days after the date on which such legislation was referred to committee under paragraph (1), it shall be in order for any Senator to move to discharge the committee from further consideration of such implementing legislation.

(II) SEQUENTIAL REFERRALS.—Should a sequential referral of the implementing legislation be made, the additional committee has 30 days for consideration of implementing legislation before the discharge motion described in subclause (I) would be in order.

(III) PROCEDURE.—The motion described in subclause (I) shall not be in order after the implementing legislation has been placed on the calendar. While the motion described in subclause (I) is pending, no other motions related to the motion described in subclause (I) shall be in order. Debate on a motion to discharge shall be limited to not more than 10 hours, equally divided and controlled by the majority leader and the minority leader, or their designees. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed or disagreed to.

(IV) EXCEPTION.—If implementing language is submitted on a date later than May 1 of the second session of a Congress, the committee shall have 90 days to consider the implementing legislation before a motion to discharge under this clause would be in order.

(i) HOUSE OF REPRESENTATIVES.—If the implementing legislation or an original bill described in subparagraph (A) has not been reported out of a committee of the House of Representatives within 180 days after the date on which such legislation was referred to committee under paragraph (1), then on any day on which the call of the calendar for motions to discharge committees is in order, any member of the House of Representatives may move that the committee be discharged from consideration of the implementing legislation, and this motion shall be considered under the same terms and conditions, and if adopted the House of Representatives shall follow the procedure described in subsection (d)(1).

(d) FLOOR CONSIDERATION.—

(1) MOTION TO PROCEED.—If a motion to discharge made pursuant to subsection (c)(2)(B)(i) or (c)(2)(B)(ii) is adopted, then, not earlier than 5 legislative days after the date on which the motion to discharge is adopted, a motion may be made to proceed to the bill.

(2) FAILURE OF MOTION.—If the motion to discharge made pursuant to subsection (c)(2)(B)(i) or (c)(2)(B)(ii) fails, such motion may be made not more than 2 additional times, but in no case more frequently than within 30 days of the previous motion. Debate on each of such motions shall be limited to 5 hours, equally divided.

(3) APPLICABLE RULES.—Once the Senate is debating the implementing legislation the regular rules of the Senate shall apply.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act, other than section 4(i)(3), \$3,000,000 for each of fiscal years 2003, 2004, 2005.

(b) HEALTH REPORT TO THE AMERICAN PEOPLE.—There are authorized to be appropriated for the preparation and dissemination of the Health Report to the American People described in section 4(i)(3), such sums as may be necessary for the fiscal year in which the report is required to be submitted.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague for his kind remarks, especially his kind remarks with regard

to me. I share a mutual affection for him because, as a leader in the House on health care, he did so many good things. We are so happy to have him in the Senate where he has continued his work on health care. I am very grateful to him.

Mr. President, I rise to associate myself with the remarks of my good friend and colleague, the Senator from Oregon, Mr. WYDEN.

Last week, we were all dismayed to learn the Census Bureau figures indicate the number of uninsured in our country has risen from 39.8 million in 2000 to 41.2 million in 2001.

Of even greater concern is the fact that most of the newly uninsured previously had employer-based coverage.

Obviously, this is a trend in the wrong direction despite years of efforts here in Washington to improve our country's health care delivery system.

Clearly, we must take another approach.

In a nutshell, the legislation that Senator WYDEN and I are introducing today will stimulate fruitful discussion and debate on how we can really effect improvements to our nation's health care system—improvements that can be accepted at all levels, from communities on up to the Federal government.

We have worked on this bill for several months and are proud to have reached bipartisan consensus.

Bipartisanship, it seems, is a rare occurrence these days. But, in our opinion, the only way to resolve our country's health crisis is to put politics aside and work together toward common goals.

The Health Care That Works for All Americans Act of 2002 reflects our common goals on how to resolve this country's health care woes.

We accomplish these important goals by fostering candid discussions—in every corner of our country—through which the public can have an earnest discussion about our current health care system.

These discussions will lead to recommendations on how to improve health care coverage which will help guide the Congress as it moves forward in this area.

It is our hope that, in the end, this legislation will provide Americans with the proper tools to access high quality, affordable health care coverage.

Basically, our legislation envisions three steps: public meetings; recommendations to Congress; and congressional action.

We see this as an interactive process, which will help all of us be more informed consumers and which can produce real changes for the public.

At this point, I would like to take this opportunity to discuss each of these steps in more detail.

The first step of this bill is to stimulate community gatherings at which individuals from all walks of life can provide their viewpoints on which health benefits they believe should be covered.

Obviously, a necessary component of that discussion will be how the benefits can be paid for, and by whom. Strange as it may seem, our government has never actually asked the American people what they want from our health care system. These community meetings would pose questions to individuals such as, "What type of health coverage do you want how much are you willing to pay?"

In addition, debate would focus on the financial responsibilities of the government, businesses, and individual citizens.

I believe these issues must be discussed at the beginning of a new debate on health coverage, because the public's response is essential to building a nationwide consensus for creating a new health care system. It is critical to receive feedback from those who use the health care system on a daily, weekly or even annual basis.

Our plan is to hear from everyone who has had first-hand experience with the health care system. We want to hear what people like and dislike about the current system and their proposals for change. And, we also hope to hear from those who do not use health services and the reasons why they have not sought health care coverage.

We hope to stimulate a provocative discussion based on key questions. Is health care too expensive? Too complicated? Or is it just not available to certain segments of our society?

The Wyden-Hatch legislation creates a Citizens' Health Care Working Group which would be charged with posing these tough questions and overseeing this crucial debate on how to improve upon our current health care system.

The Citizens' Health Care Working Group will be comprised of individuals who have a deep interest in health care: patients; providers, community leaders; and key state and federal officials.

The Working Group will coordinate nationwide community meetings and facilitate the public in expressing their views on the complex and often difficult choices concerning health care coverage.

To achieve this objective, our bill directs the Working Group to produce a "Health Care Report to the American People." This report will be used as a guidebook designed to describe the cost and availability of health choices available to Americans across the country—taking into account geographic differences.

Since this issue has been visited over and over again without noticeable results, we believe that it is time to have an honest dialogue about sensitive health care issues with the public so that individual citizens will have a better idea of what choices members of Congress and key health officials are facing when health care issues are being debated.

We envision asking citizens about a whole range of services and procedures, a "bottom-up" review of the health

care system, if you will. We hope these community discussions will look at current coverage issues, such as whether Medicaid should provide better coverage for transplants, recognizing that these are very expensive, labor-intensive procedures that may use scarce resources that might have been used elsewhere.

Another area we hope might be explored is how to improve coverage of long-term care services, and how this should be paid.

These choices—economic, moral, legal and social—will be difficult ones, but the purpose of our legislation is this—to start discussing these vital issues with those on whom there will be the greatest impact—the American people. We cannot afford to put off these discussions any longer.

In the past, health reform debates have not included the voice of the people who actually need to live with these decisions. The Wyden-Hatch legislation will ensure that those Americans who depend on quality, affordable health care are at the forefront of the discussion before the special interests weigh in with their objectives.

Mr. President, I ask my colleagues, given the failures of the past, isn't it time that we approach this problem by listening to citizens' viewpoints on health care coverage?

The second step of this legislation is to direct the Working Group to take the ideas offered by the public and translate these comments into recommendations for our elected officials, specifically Members of Congress and the President.

The Working Group will have substantial awareness of our citizens' preferences because of their involvement in the public meetings across the country. After the meetings are completed, the Working Group will highlight the issues raised by the public and provide them to members of Congress and the President for evaluation.

The third step of this legislation involves drafting these recommendations into legislation which will eventually be voted upon by both the House and the Senate.

Never before has Congress voted on a health care proposal built on a foundation created by the public making difficult health care choices.

If enacted, the Wyden-Hatch bill will provide for just such a vote.

Senator WYDEN and I both know there will be many questions about this proposal, but, in my opinion, the most important question is "Why now?"

The answer is simple—the American people cannot afford to wait any longer. The number of uninsured Americans, which had been declining for the past couple of years, is now increasing.

In addition, the costs of gridlock are simply too great—on human, social, economic and moral grounds. Congress is on the verge of completing another session without significant progress on major health care reforms.

Once again, we have not passed prescription drug coverage for Medicare beneficiaries. Once again, we have not addressed the issue of the uninsured. Once again, we have not approved legislation that includes patient protections.

And the reason for this inaction is partisan politics—no one is willing to compromise so we end up doing nothing and the American public suffers. In my opinion, something must be done to address these important issues, sooner rather than later.

One issue that must be addressed is the overwhelming cost of health care. Every time I go home to Utah, I hear complaints from my constituents about escalating health care premiums and the price of prescription drugs. People are having a difficult time paying for their health insurance premiums, their physicians' visits and their medicines. We were all disturbed last year to hear about a recent Towers Perrin survey indicating that the cost of health benefit plans at large companies is expected to rise an average of 15 percent—15 percent!—in 2003.

Some businesses, especially smaller employers, are worried that they will no longer be able to provide health insurance coverage to their employees. Utah physicians complain to me about the inadequate Medicare reimbursement rates and are threatening to leave the state.

In fact, many of the federal health programs have complicated and overbearing regulations that are confusing to participating providers. For example, is it necessary to have a book of Medicaid regulations thicker than the Black's Law Dictionary?

While our health care system provides the highest quality services in the world and is the most technologically advanced, America's health system has fundamental flaws. The purpose of this legislation is to build on the positive components of our current system and improve the flaws.

We believe that the best way to improve the current system is to listen to public input and implement their ideas and suggestions.

We must get past playing the blame game. All of the powerful special interests are going to have to accept some reforms they have rejected in the past if America is to have a health care system that works for all.

I believe this is what we will hear from the American people if they are given the chance to drive the debate on health reform as envisioned by this legislation. Unfortunately, there never has been a system to gather that public input until now.

Mr. President, I am proud to be the lead Republican sponsor of the Health Care that Works for All Americans Act of 2002. I urge my colleagues to work with us so this legislation will be enacted into law in a timely manner. The American people cannot afford to wait any longer.

I praise my colleague again for his leadership in so many areas, but espe-

cially the area of health care. He is sincere. He is dedicated. He is smart. He works hard on these issues. I am proud to work with him on this issue, and hope we can be successful in passing this bill and getting this very worthwhile effort started.

By Mr. NELSON of Florida:

S. 3064. A bill to prohibit the use of patient databases for marketing without the express consent of the patient; to the Committee on Health, Education, Labor, and Pensions.

Mr. NELSON of Florida. Mr. President, privacy concerns continues to grow not only in Florida, but throughout the Nation. This past August, the Administration finalized rules which will allow pharmacies and other health care entities to profit from their confidential patient databases by entering marketing agreements with giant health corporations.

Under the new rules, a pharmacy can search its database for patients using a specific prescription drug and then turn around and send an unsolicited advertisement on behalf of a drug maker peddling a more expensive alternative drug, even if it's less effective. And to make matters worse, the consumer can't ask the company to stop.

Instead of banning this anti-consumer practice, the Administration issued non-binding guidelines asking third parties not to provide financial incentives to doctors or pharmacies in exchange for suggesting certain drugs to patients. While the guidelines are well meaning, this terrible practice won't stop if the government doesn't do more than offer suggestions. We need to pass a law to prohibit this behavior.

Today, I'm introducing a bill that allows consumers to decide if they want to receive health advertisements generated as a result of their personal health characteristics. Under my legislation, pharmacies, insurance companies and other health entities would be prohibited from using private, personally identifiable health information to provide marketing services to any entity without providing notice to the consumer about its disclosure practices and obtaining the consumer's express written consent.

The legislation makes an exception for treatment communications unless the covered entity receives direct or indirect remuneration from a third party for making the communication. The free flow of information is important when sought by the consumer, but treatment communications tarnished by the marketing dollars of third parties create an inherent conflict of interest by encouraging patients, who don't know their pharmacist has been paid, to purchase high-cost alternative drugs that are not necessarily more effective than those prescribed by their doctor. Unnecessary spending driven by this practice, not only hurts individual consumers, but also the American taxpayer as Medicare and Medicaid costs skyrocket.

My goal is to restore control to the consumer, so that they can make a decision to receive, or not receive, these advertisements once they have been informed that their personal information will be used for that purpose and once they understand that the covered entity is being paid to make a particular recommendation.

I look forward to working with all interested parties to resolve this problem in a timely manner for consumers and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3064

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Records Confidentiality Act of 2002".

SEC. 2. DEFINITIONS.

In this Act:

(1) INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION.—The term "individually identifiable health information" means information that is a subset of health information, including demographic information collected from an individual, that—

(A) is created or received from a health care provider, health plan, employer, or health care clearinghouse;

(B) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present or future payment for the provision of health care to an individual; and

(C)(i) identifies the individual; or
(ii) with respect to which there is a reasonable basis to believe that the information can be used to identify the individual.

(2) MARKETING.—The term "marketing" means to make a communication about a product or service to encourage recipients of the communication to purchase or use the product or service, but does not include communications made as part of the treatment of a patient for the purpose of furthering treatment unless the covered entity receives direct or indirect remuneration from a third party for making the communication.

SEC. 3. PROTECTION OF PRIVATE HEALTH INFORMATION.

Except in accordance with section 4, a health care provider, pharmacy, health researcher, health plan, health oversight agency, public health authority, employer, health or life insurer, or school or university shall not—

(1) disclose individually identifiable health information to an entity for marketing the products or services of such entity; or

(2) use individually identifiable health information in its possession to provide marketing services to any entity.

SEC. 4. NOTICE AND CONSENT REQUIREMENTS.

A health care provider, pharmacy, health researcher, health plan, health oversight agency, public health authority, employer, health or life insurer, or school or university may provide marketing services to a pharmaceutical company if such health care entity—

(1) provides clear and conspicuous notice to the individual involved concerning its disclosure practices for all individually identifiable health information collected or created with regard to the individual; and

(2) obtains the consent of the individual involved to use the information and that con-

sent is manifested by an affirmative act in a written communication which only references and applies to the specific marketing purpose for which the information is to be used.

By Mr. INOUE:

S. 3066. A bill to improve programs relating to Indian tribes; to the Committee on Indian Affairs.

Mr. INOUE. Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the bill and additional material was ordered to be printed in the RECORD, as follows:

S. 3066

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Indian Technical Corrections Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—PROGRAMS RELATING TO PARTICULAR INDIAN TRIBES

Sec. 101. Leases of restricted land.

Sec. 102. Lease of tribally-owned land by Assiniboine and Sioux Tribes of the Fort Peck Reservation.

Sec. 103. Navajo-Hopi relocation impact study.

Sec. 104. Indian health demonstration project.

Sec. 105. Fetal alcohol syndrome and fetal alcohol effect grants.

Sec. 106. Illegal narcotics traffic on the Tohono O'odham and St. Regis Reservations.

Sec. 107. Rehabilitation of Celilo Indian Village.

Sec. 108. Rural health care facility, Fort Berthold Indian Reservation, North Dakota.

Sec. 109. Health care funding allocation, Eagle Butte Service Unit.

Sec. 110. Oklahoma Native American Cultural Center and Museum.

Sec. 111. Certification of rental proceeds.

Sec. 112. Waiver of repayment of expert assistance loans to the Oglala Sioux Tribe.

Sec. 113. Waiver of repayment of expert assistance loans to the Seminole Tribe of Oklahoma.

Sec. 114. Facilitation of construction of pipeline to provide water for emergency fire suppression and other purposes.

Sec. 115. Conveyance of Native Alaskan objects.

Sec. 116. Shakopee fee land.

Sec. 117. Agreement with Dry Prairie Rural Water Association, Incorporated.

TITLE II—COLLABORATION BETWEEN TRIBAL GOVERNMENTS AND FOREST SERVICE

Sec. 201. Short title.

Sec. 202. Findings.

Sec. 203. Forest legacy program.

Sec. 204. Forestry and resource management assistance to Indian tribes.

TITLE III—PUEBLO OF SANTA CLARA AND SAN ILDEFONSO, NEW MEXICO

Sec. 301. Definitions.

Sec. 302. Trust for the Pueblo of Santa Clara, New Mexico.

Sec. 303. Trust for the Pueblo of San Ildefonso, New Mexico.

Sec. 304. Survey and legal descriptions.

Sec. 305. Administration of trust land.

Sec. 306. Effect.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Interior.

TITLE I—PROGRAMS RELATING TO INDIAN TRIBES

SEC. 101. LEASES OF RESTRICTED LAND.

Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)) is amended by adding at the end the following: "Notwithstanding any other provision of law, no approval by the Secretary shall be required for any new lease, or for renewal of any existing lease, of land under this subsection if the lease, including all periods covered by any renewal, is for an aggregate term of less than 7 years."

SEC. 102. LEASE OF TRIBALLY-OWNED LAND BY ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION.

The first section of the Act of August 9, 1955 (25 U.S.C. 415) is amended by adding at the end the following:

"(g) LEASE OF TRIBALLY-OWNED LAND BY ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION.—

"(1) IN GENERAL.—Notwithstanding subsection (a) and any regulations under part 162 of title 25, Code of Federal Regulations, subject to paragraph (2), the Assiniboine and Sioux Tribes of the Fort Peck Reservation may lease to the Northern Border Pipeline Company tribally-owned land on the Fort Peck Indian Reservation for 1 or more interstate gas pipelines.

"(2) CONDITIONS.—A lease entered into under paragraph (1)—

"(A) shall commence during fiscal year 2011 for an initial term of 25 years;

"(B) may be renewed for an additional term of 25 years; and

"(C) shall specify in the terms of the lease an annual rental rate—

"(i) which rate shall be increased by 3 percent for each 5-year period; and

"(ii) the adjustment of which in accordance with clause (i) shall be considered to satisfy any review requirement under part 162 of title 25, Code of Federal Regulations."

SEC. 103. NAVAJO-HOPI RELOCATION IMPACT STUDY.

(a) IN GENERAL.—Section 34 of Public Law 93-531 (commonly known as the "Navajo-Hopi Land Settlement Act of 1974") (25 U.S.C. 640d et seq.) (as added by section 203 of the Indian Programs Reauthorization and Technical Amendments Act of 2002) is amended to read as follows:

"SEC. 34. NAVAJO-HOPI RELOCATION IMPACT STUDY.

"(a) IN GENERAL.—Not later than 120 days after the date of enactment of this section, the Office of Navajo and Hopi Indian Relocation shall enter into a contract with an independent contractor under which the independent contractor shall complete, not later than 18 months after the date of enactment of this section, a study to determine whether—

"(1) the purposes of this Act have been achieved; and

"(2) recommended activities should be carried out to mitigate the consequences of the implementation of this Act.

"(b) SCOPE.—The study conducted under subsection (a) shall include an analysis of—

"(1) the long-term effects of the relocation programs under this Act on the Hopi Tribe and the Navajo Nation;

"(2) the ongoing needs of the Hopi and Navajo populations relocated under this Act;

"(3) the ongoing needs of the other communities affected by relocations under this Act (including communities affected by section 10(f) and communities on Hopi partitioned land and Navajo partitioned land);

“(4) the effects of termination of the relocation programs under this Act, including the effects of—

“(A) closure of the Office of Navajo and Hopi Indian Relocation; and

“(B) transfer of responsibilities of that Office to other Federal agencies, the Hopi Tribe, and the Navajo Nation in accordance with applicable provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); and

“(5) other appropriate factors, as determined by the Office of Navajo and Hopi Indian Relocation.

“(c) **RESTRICTION ON STUDY.**—The study conducted under subsection (a) shall neither address, nor make any recommendations relating to, the relocation requirements for Navajos and Hopis under this Act, including any proposals for the return of Navajos or Hopis.

“(d) **REPORT.**—Not later than 2 years after the date of enactment of this section, the Office of Navajo and Hopi Relocation shall submit to Congress, the Hopi Tribe, and the Navajo Nation a report that describes the results of the study conducted under subsection (a).

“(e) **FUNDING.**—Of amounts made available to the Office of Navajo and Hopi Indian Relocation, not more than \$1,000,000 shall be made available to carry out this section.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section takes effect on the later of—

(1) the date of enactment of this Act; or

(2) the date of enactment of the Indian Programs Reauthorization and Technical Amendments Act of 2002.

SEC. 104. INDIAN HEALTH DEMONSTRATION PROJECT.

Section 10 of the Ponca Restoration Act (25 U.S.C. 983h) is amended by adding at the end the following:

“(e) **DEMONSTRATION PROJECT.**—The Director of the Indian Health Service shall direct the Aberdeen Area Office of the Indian Health Service to carry out, in coordination with the Tribe, a demonstration project to determine—

“(1) the ability of an urban, restored facility of the Tribe to provide health services to members residing in Douglas County and Sarpy County, Nebraska, and Pottawattamie County, Iowa;

“(2) the viability of using third-party billing to enable a facility described in paragraph (1) to become self-sustaining; and

“(3) the effectiveness of using a computer-registered patient management system in the counties specified in paragraph (1).”.

SEC. 105. FETAL ALCOHOL SYNDROME AND FETAL ALCOHOL EFFECT GRANTS.

Section 708(f)(2) of the Indian Health Care Improvement Act (25 U.S.C. 1665g(f)(2)) (as amended by section 103(g)(1)(C) of the Indian Programs Reauthorization and Technical Amendments Act of 2002) is amended by inserting before the period at the end the following: “(including to carry out demonstration projects that involve 1 or more Indian tribes, tribal organizations, or urban Indian organizations working with organizations such as the National Organization on Fetal Alcohol Syndrome to carry out subparagraphs (A) and (F) of subsection (a)(2)).”.

SEC. 106. ILLEGAL NARCOTICS TRAFFIC ON THE TOHONO O'ODHAM AND ST. REGIS RESERVATIONS.

(a) **IN GENERAL.**—Section 4216(a)(3) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2442(a)(3)) (as amended by section 104(e)(1) of the Indian Programs Reauthorization and Technical Amendments Act of 2002) is amended by striking paragraph (3) and inserting the following:

“(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated—

“(A) to carry out paragraph (1)(A), \$1,000,000 for each of fiscal years 2002 through 2006; and

“(B) to carry out provisions of this subsection other than paragraph (1)(A), such sums as are necessary for each of fiscal years 2002 through 2006.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section takes effect on the later of—

(1) the date of enactment of this Act; or

(2) the date of enactment of the Indian Programs Reauthorization and Technical Amendments Act of 2002.

SEC. 107. REHABILITATION OF CELILO INDIAN VILLAGE.

Section 401(b)(3) of Public Law 100-581 (102 Stat. 2944) is amended by inserting “Celilo Village and other” before “existing sites”.

SEC. 108. RURAL HEALTH CARE FACILITY, FORT BERTHOLD INDIAN RESERVATION, NORTH DAKOTA.

The Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act is amended—

(1) in section 3504 (106 Stat. 4732), by adding at the end the following:

“(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.”; and

(2) by striking section 3511 (106 Stat. 4739) and inserting the following:

“SEC. 3511. RURAL HEALTH CARE FACILITY, FORT BERTHOLD INDIAN RESERVATION, NORTH DAKOTA.

“There is authorized to be appropriated to the Secretary of Health and Human Services for the construction of a rural health care facility on the Fort Berthold Indian Reservation of the Three Affiliated Tribes, North Dakota, \$20,000,000.”.

SEC. 109. HEALTH CARE FUNDING ALLOCATION, EAGLE BUTTE SERVICE UNIT.

Section 117 of the Indian Health Care Improvement Act (25 U.S.C. 1616j) is amended by adding at the end the following:

“(g) **CHEYENNE RIVER SIOUX TRIBE BONUS PAYMENT.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of law, to promote more efficient use of the health care funding allocation for fiscal year 2003, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may carry out a program under which a health professional may be paid—

“(A) a base salary in an amount up to the highest grade and step available to a physician, pharmacist, or other health professional, as the case may be; and

“(B) a recruitment or retention bonus of up to 25 percent of the base salary rate of the health professional.

“(2) **MONITORING AND REPORTING.**—If the Service implements the program under paragraph (1), the Service shall—

“(A) monitor the program closely; and

“(B) not later than September 30, 2003, submit to the Committee on Indian Affairs of the Senate and the Committee on Resources and the Committee on Energy and Commerce of the House of Representatives a report that includes an evaluation of the program.”.

SEC. 110. OKLAHOMA NATIVE AMERICAN CULTURAL CENTER AND MUSEUM.

Section 1 of the Act entitled “An Act to authorize the construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma” is amended—

(1) by striking subsection (c)(3) and inserting the following:

“(3) **DIRECTOR.**—The term ‘Director’ means the Director of the Institute of Museum and Library Services.”; and

(2) by striking “Secretary” each place it appears and inserting “Director”.

SEC. 111. CERTIFICATION OF RENTAL PROCEEDS.

Notwithstanding any other provision of law, any actual rental proceeds from the lease of land acquired under section 1 of Public Law 91-229 (25 U.S.C. 488) certified by the Secretary of the Interior shall be deemed—

(1) to constitute the rental value of that land; and

(2) to satisfy the requirement for appraisal of that land.

SEC. 112. WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS TO THE OGLALA SIOUX TRIBE.

Notwithstanding any other provision of law—

(1) the balances of all outstanding expert assistance loans made to the Oglala Sioux Tribe under Public Law 88-168 (77 Stat. 301), and relating to Oglala Sioux Tribe v. United States (Docket No. 117 of the United States Court of Federal Claims), including all principal and interest, are canceled; and

(2) the Secretary of the Interior shall take such action as is necessary to—

(A) document the cancellation under paragraph (1); and

(B) release the Oglala Sioux Tribe from any liability associated with any loan described in paragraph (1).

SEC. 113. WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS TO THE SEMINOLE TRIBE OF OKLAHOMA.

Notwithstanding any other provision of law—

(1) the balances of all outstanding expert assistance loans made to the Seminole Tribe of Oklahoma under Public Law 88-168 (77 Stat. 301), and relating to Seminole Tribe of Oklahoma v. United States (Docket No. 247 of the United States Court of Federal Claims), including all principal and interest, are canceled; and

(2) the Secretary of the Interior shall take such action as is necessary to—

(A) document the cancellation under paragraph (1); and

(B) release the Seminole Tribe of Oklahoma from any liability associated with any loan described in paragraph (1).

SEC. 114. FACILITATION OF CONSTRUCTION OF PIPELINE TO PROVIDE WATER FOR EMERGENCY FIRE SUPPRESSION AND OTHER PURPOSES.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, subject to valid existing rights under Federal and State law, the land described in subsection (b), fee title to which is held by the Barona Band of Mission Indians of California (referred to in this section as the “Band”)—

(1) is declared to be held in trust by the United States for the benefit of the Band; and

(2) shall be considered to be a portion of the reservation of the Band.

(b) **LAND.**—The land referred to in subsection (a) is land comprising approximately 85 acres in San Diego County, California, and described more particularly as follows: San Bernardino Base and Meridian; T. 14 S., R. 1 E.; sec. 21: W½SE¼, 68 acres; NW¼NW¼, 17 acres.

(c) **GAMING.**—The land taken into trust by subsection (a) shall neither be considered to have been taken into trust for gaming, nor be used for gaming (as that term is used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

SEC. 115. CONVEYANCE OF NATIVE ALASKAN OBJECTS.

Notwithstanding any provision of law affecting the disposal of Federal property, on the request of the Chugach Alaska Corporation or Sealaska Corporation, the Secretary of Agriculture shall convey to whichever of

those corporations that has received title to a cemetery site or historical place on National Forest System land conveyed under section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) all artifacts, physical remains, and copies of any available field records that—

(1)(A) are in the possession of the Secretary of Agriculture; and

(B) have been collected from the cemetery site or historical place; but

(2) are not required to be conveyed in accordance with the Native American Graves Protection Act and Repatriation Act (25 U.S.C. 3001 et seq.) or any other applicable law.

SEC. 116. SHAKOPEE FEE LAND.

(a) IN GENERAL.—Notwithstanding any other provision of law, without further authorization by the United States, the Shakopee Mdewakanton Sioux Community in the State of Minnesota (referred to in this section as the “Community”) may lease, sell, convey, warrant, or otherwise transfer all or any part of the interest of the Community in or to any real property that is not held in trust by the United States for the benefit of the Community.

(b) TRUST LAND NOT AFFECTED.—Nothing in this section—

(1) authorizes the Community to lease, sell, convey, warrant, or otherwise transfer all or part of an interest in any real property that is held in trust by the United States for the benefit of the Community; or

(2) affects the operation of any law governing leasing, selling, conveying, warranting, or otherwise transferring any interest in that trust land.

SEC. 117. AGREEMENT WITH DRY PRAIRIE RURAL WATER ASSOCIATION, INCORPORATED.

(a) IN GENERAL.—Any agreement between the Tribe and Dry Prairie Rural Water Association, Incorporated (or any non-Federal successor entity) for the use of water to meet the needs of the Dry Prairie system that is entered into under section 5 of the Fort Peck Reservation Rural Water System Act of 2000 (114 Stat. 1454)—

(1) is approved by Congress; and

(2) shall be approved and executed by the Secretary.

TITLE II—COLLABORATION BETWEEN TRIBAL GOVERNMENTS AND FOREST SERVICE

SEC. 201. SHORT TITLE.

This title may be cited as the “Tribal Governments and Forest Service Collaboration Act of 2002”.

SEC. 202. FINDINGS.

Congress finds that—

(1) Indian tribes, members of Indian tribes, and Alaska Natives hold 100,600,000 acres of land (56,600,000 acres in the lower 48 States and 44,000,000 acres in Alaska), equaling 4.2 percent of the land area of the United States;

(2) land held in trust for Indian tribes shares thousands of miles of common boundary with National Forest System land;

(3) Indian tribes have reserved rights and interests that affect the management of hundreds of thousands of acres of National Forest System land;

(4) National Forest System land contains hundreds of thousands of acres in which Indian tribes have cultural, religious, and traditional interests, including interests recognized in—

(A) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); and

(B) the Act of August 11, 1978 (42 U.S.C. 1996 et seq.) (commonly referred to as the “American Indian Religious Freedom Act”);

(5) tribal land and National Forest System land share natural resource attributes in

many common ecosystems, including biodiversity of plant and animal fauna, timber, fish, wildlife, range, soils, recreation attributes, airsheds, and watersheds;

(6) effective ecosystem management—

(A) integrates ecological principles and economic and social factors; and

(B) safeguards ecological sustainability, biodiversity, and productivity;

(7) Federal land management activities on National Forest System land are affecting ecosystems that encompass National Forest System land and tribal land;

(8) collaborative planning and management between Indian tribes and the Forest Service needs to be strengthened;

(9) management practices on National Forest System land can—

(A) adversely affect tribal trust, cultural, religious, and traditional resources on National Forest System land; and

(B) place tribal land and resources at risk;

(10) Indian tribal land managers and National Forest System land managers have shared interests in maintaining the health of the forests and in coordinating and sustaining the timber supply from National Forest System land and tribal trust land in order to jointly contribute to the economic stability of local, timber-dependent communities;

(11) cross-boundary management collaboration is needed to address forest health emergencies that currently exist on Federal and tribal forest land because of substantial areas of dead and dying trees resulting from drought, insects, fire, windstorm, or other causes;

(12) tribal communities possess unique traditional knowledge and technical expertise that can provide valuable insight and guidance in the management of land and resources contained within the National Forest System;

(13) the Forest Service lacks comprehensive authorities to work with tribal neighbors on collaborative or other issues;

(14)(A) in recognition of that goal, in October 1999, the Chief Operating Officer of the Forest Service commissioned a National Tribal Relations Program Task Force to develop recommendations to improve working relationships with Indian tribes; and

(B) the Task Force issued a final report in August 2000, including administrative and legislative recommendations on which this title is based;

(15) Indian tribes and National Forests would benefit from improved coordination and integration in application of wildland fire resources, including Native American fire crews; and

(16) the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1600 et seq.) does not contain specific authority for the Secretary to enter into cooperative research and development agreements with tribal governments.

SEC. 203. FOREST LEGACY PROGRAM.

(a) PARTICIPATION BY INDIAN TRIBES.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—

(1) in the first sentence of subsection (a), by inserting “, and Indian tribes,” after “government”;

(2) in subsection (b), by inserting “and programs of Indian tribes” after “regional programs”;

(3) in the second sentence of subsection (f), by striking “other appropriate State or regional natural resource management agency” and inserting “other appropriate natural resource management agency of a State, region, or Indian tribe”;

(4) in subsection (h)(2), by inserting “or Indian tribe” before the period at the end; and

(5) in the first sentence of subsection (j)(2), by inserting “Indian tribes,” after “governmental units.”

(b) OPTIONAL STATE AND TRIBAL GRANT PROGRAM.—

“(1) IN GENERAL.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended by striking subsection (1) and inserting the following:

“(1) OPTIONAL STATE AND TRIBAL GRANTS.—

“(1) DEFINITION OF INDIAN TRIBE.—In this subsection, the term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(2) GRANTS.—At the request of a participating State or participating Indian tribe, the Secretary shall provide a grant to the State or Indian tribe to carry out the Forest Legacy Program.

“(3) ADMINISTRATION.—If a State or Indian tribe elects to receive a grant under this subsection—

“(A) the Secretary shall use a portion of the funds made available under subsection (m), as determined by the Secretary, to provide the grant to the State or Indian tribe; and

“(B) the State or Indian tribe shall use the grant to carry out the Forest Legacy Program.”

(2) CONFORMING AMENDMENTS.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—

(A) in subsection (i), by striking “subsection (b)” and inserting “this section”;

(B) in subsection (j)(1), by striking the first sentence and inserting the following: “Fair market value shall be paid for any property interest acquired under this section.”; and

(C) in subsection (k)(2), by striking “United States or its” and inserting “United States, a State, Indian tribe, or other entity, or their”.

SEC. 204. FORESTRY AND RESOURCE MANAGEMENT ASSISTANCE TO INDIAN TRIBES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—The Secretary of Agriculture may provide financial, technical, educational, and related assistance to an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) for—

(1) tribal consultation and coordination with the Forest Service on issues relating to—

(A) access by members of the Indian tribe to National Forest System land for traditional, religious, and cultural purposes;

(B) coordinated or cooperative management of resources shared by the Forest Service and the Indian tribe; and

(C) provision of tribal traditional, cultural, or other expertise or knowledge;

(2) projects and activities for conservation education and awareness with respect to forest land and grassland under the jurisdiction of the Indian tribe; and

(3) technical assistance for forest resources planning, management, and conservation on land under the jurisdiction of the Indian tribe.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations to implement subsection (a), including rules for determining the distribution of assistance under that subsection.

(2) CONSULTATION.—In carrying out paragraph (1), the Secretary shall engage in full, open, and substantive consultation with Indian tribes and representatives of Indian tribes.

(c) COORDINATION WITH THE SECRETARY OF THE INTERIOR.—The Secretary of Agriculture shall coordinate with the Secretary of the

Interior during the establishment, implementation, and administration of subsection (a) to ensure that programs under that subsection—

(1) do not conflict with tribal programs provided under the authority of the Department of the Interior; and

(2) meet the goals of the Indian tribes.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE III—PUEBLO OF SANTA CLARA AND SAN ILDEFONSO, NEW MEXICO

SEC. 301. DEFINITIONS.

In this title:

(1) **AGREEMENT.**—The term “Agreement” means the agreement entitled “Agreement to Affirm Boundary Between Pueblo of Santa Clara and Pueblo of San Ildefonso Aboriginal Lands Within Garcia Canyon Tract”, entered into by the Governors on December 20, 2000.

(2) **BOUNDARY LINE.**—The term “boundary line” means the boundary line established under section 304(a).

(3) **GOVERNORS.**—The term “Governors” means—

(A) the Governor of the Pueblo of Santa Clara, New Mexico; and

(B) the Governor of the Pueblo of San Ildefonso, New Mexico.

(4) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) **PUEBLOS.**—The term “Pueblos” means—

(A) the Pueblo of Santa Clara, New Mexico; and

(B) the Pueblo of San Ildefonso, New Mexico.

(6) **TRUST LAND.**—The term “trust land” means the land held by the United States in trust under section 302(a) or 303(a).

SEC. 302. TRUST FOR THE PUEBLO OF SANTA CLARA, NEW MEXICO.

(a) **IN GENERAL.**—All right, title, and interest of the United States in and to the land described in subsection (b), including improvements on, appurtenances to, and mineral rights (including rights to oil and gas) to the land, shall be held by the United States in trust for the Pueblo of Santa Clara, New Mexico.

(b) **DESCRIPTION OF LAND.**—The land referred to in subsection (a) consists of approximately 2,484 acres of Bureau of Land Management land located in Rio Arriba County, New Mexico, and more particularly described as—

(1) the portion of T. 20 N., R. 7 E., sec. 22, New Mexico Principal Meridian, that is located north of the boundary line;

(2) the southern half of T. 20 N., R. 7 E., sec. 23, New Mexico Principal Meridian;

(3) the southern half of T. 20 N., R. 7 E., sec. 24, New Mexico Principal Meridian;

(4) T. 20 N., R. 7 E., sec. 25, excluding the 5-acre tract in the southeast quarter owned by the Pueblo of San Ildefonso;

(5) the portion of T. 20 N., R. 7 E., sec. 26, New Mexico Principal Meridian, that is located north and east of the boundary line;

(6) the portion of T. 20 N., R. 7 E., sec. 27, New Mexico Principal Meridian, that is located north of the boundary line;

(7) the portion of T. 20 N., R. 8 E., sec. 19, New Mexico Principal Meridian, that is not included in the Santa Clara Pueblo Grant or the Santa Clara Indian Reservation; and

(8) the portion of T. 20 N., R. 8 E., sec. 30, that is not included in the Santa Clara Pueblo Grant or the San Ildefonso Grant.

SEC. 303. TRUST FOR THE PUEBLO OF SAN ILDEFONSO, NEW MEXICO.

(a) **IN GENERAL.**—All right, title, and interest of the United States in and to the land described in subsection (b), including im-

provements on, appurtenances to, and mineral rights (including rights to oil and gas) to the land, shall be held by the United States in trust for the Pueblo of San Ildefonso, New Mexico.

(b) **DESCRIPTION OF LAND.**—The land referred to in subsection (a) consists of approximately 2,000 acres of Bureau of Land Management land located in Rio Arriba County and Santa Fe County in the State of New Mexico, and more particularly described as—

(1) the portion of T. 20 N., R. 7 E., sec. 22, New Mexico Principal Meridian, that is located south of the boundary line;

(2) the portion of T. 20 N., R. 7 E., sec. 26, New Mexico Principal Meridian, that is located south and west of the boundary line;

(3) the portion of T. 20 N., R. 7 E., sec. 27, New Mexico Principal Meridian, that is located south of the boundary line;

(4) T. 20 N., R. 7 E., sec. 34, New Mexico Principal Meridian; and

(5) the portion of T. 20 N., R. 7 E., sec. 35, New Mexico Principal Meridian, that is not included in the San Ildefonso Pueblo Grant.

SEC. 304. SURVEY AND LEGAL DESCRIPTIONS.

(a) **SURVEY.**—Not later than 180 days after the date of enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall, in accordance with the Agreement, complete a survey of the boundary line established under the Agreement for the purpose of establishing, in accordance with sections 302(b) and 303(b), the boundaries of the trust land.

(b) **LEGAL DESCRIPTIONS.**—

(1) **PUBLICATION.**—On approval by the Governors of the survey completed under subsection (a), the Secretary shall publish in the Federal Register—

(A) a legal description of the boundary line; and

(B) legal descriptions of the trust land.

(2) **TECHNICAL CORRECTIONS.**—Before the date on which the legal descriptions are published under paragraph (1)(B), the Secretary may correct any technical errors in the descriptions of the trust land provided in sections 302(b) and 303(b) to ensure that the descriptions are consistent with the terms of the Agreement.

(3) **EFFECT.**—Beginning on the date on which the legal descriptions are published under paragraph (1)(B), the legal descriptions shall be the official legal descriptions of the trust land.

SEC. 305. ADMINISTRATION OF TRUST LAND.

(a) **IN GENERAL.**—Effective beginning on the date of enactment of this Act—

(1) the land held in trust under section 302(a) shall be declared to be a part of the Santa Clara Indian Reservation; and

(2) the land held in trust under section 303(a) shall be declared to be a part of the San Ildefonso Indian Reservation.

(b) **APPLICABLE LAW.**—

(1) **IN GENERAL.**—The trust land shall be administered in accordance with any law (including regulations) or court order generally applicable to property held in trust by the United States for Indian tribes.

(2) **PUEBLO LANDS ACT.**—The following shall be subject to section 17 of the Act of June 7, 1924 (commonly known as the “Pueblo Lands Act”) (25 U.S.C. 331 note):

(A) The trust land.

(B) Any land owned as of the date of enactment of this Act or acquired after the date of enactment of this Act by the Pueblo of Santa Clara in the Santa Clara Pueblo Grant.

(C) Any land owned as of the date of enactment of this Act or acquired after the date of enactment of this Act by the Pueblo of San Ildefonso in the San Ildefonso Pueblo Grant.

(c) **USE OF TRUST LAND.**—

(1) **IN GENERAL.**—Subject to the criteria developed under paragraph (2), the trust land may be used only for—

(A) traditional and customary uses; or

(B) stewardship conservation for the benefit of the Pueblo for which the trust land is held in trust.

(2) **CRITERIA.**—The Secretary shall work with the Pueblos to develop appropriate criteria for using the trust land in a manner that preserves the trust land for traditional and customary uses or stewardship conservation.

(3) **LIMITATION.**—Beginning on the date of enactment of this Act, the trust land shall not be used for any new commercial developments.

SEC. 306. EFFECT.

Nothing in this title—

(1) affects any valid right-of-way, lease, permit, mining claim, grazing permit, water right, or other right or interest of a person or entity (other than the United States) that is—

(A) in or to the trust land; and

(B) in existence before the date of enactment of this Act;

(2) enlarges, impairs, or otherwise affects a right or claim of the Pueblos to any land or interest in land that is—

(A) based on Aboriginal or Indian title; and

(B) in existence before the date of enactment of this Act;

(3) constitutes an express or implied reservation of water or water right with respect to the trust land; or

(4) affects any water right of the Pueblos in existence before the date of enactment of this Act.

SECTION BY SECTION ANALYSIS OF S. 3059—ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION JUDGMENT FUND DISTRIBUTION ACT OF 2002

Section 1. Short Title. The Act may be cited as the “Assiniboiné and Sioux Tribes of the Fort Peck Reservation Judgment Fund Distribution Act of 2002.”

Section 2. Findings and Purpose. Section 2 provides congressional findings including that in 1987, the Assiniboiné and Sioux Tribes of the Fort Peck Reservation and five individual Fort Peck tribal members filed a complaint in the United States Claims Court in Assiniboiné and Sioux Tribes of the Fort Peck Reservation v. the United States of America, Docket No. 773-87-L to recover interest earned on trust funds while those funds were held in special deposit and IMPL-agency accounts; in this case, the Court held that the United States was liable for any income derived from investment of the trust funds of the Tribe and individual members of the Tribe; the plaintiffs entered into a settlement with the United States for payment of the claims; the terms of the settlement were approved by the Court and judgment in the amount of \$4,522,551.81 was entered;

Section 3. Definitions. Terms defined in this section include “Distribution Amount,” “Judgment Amount,” “Principal Indebtedness,” and “Tribe.”

Section 4. Distribution of Judgment Funds. Section 4 describes how the distribution amount awarded to the Tribe shall be made available for tribal health, education, housing and social services programs of the Tribe and the amount of funds allocated among these uses shall be specified in an annual budget developed by the Tribe and approved by the Secretary of the Interior.

Section 5. Applicable Law. Section 5 provides that all funds distributed under this act, except those distributed under Section 4 are subject to sections 7 and 8 of the Indian Tribal Judgment Funds Use or Distribution Act.

Section 6. Agreement with Dry Prairie Rural Water Association, Incorporated. Section 6 provides that any agreement between the Tribe and the Dry Prairie Rural Water Association for the use of water that is entered into under section 5 of the Fort Peck Reservation Rural Water System Act of 2000 is approved by Congress and shall be approved and executed by the Secretary.

By Mr. THOMPSON:

S. 3067. A bill to amend title 44, United States Code, to make Government information security reform permanent, and for other purposes; to the Committee on Governmental Affairs.

Mr. THOMPSON. Mr. President, I rise today to introduce a bill which will make permanent a law which was intended to protect the security of Federal computers and information systems. Over the years, numerous Governmental Affairs Committee hearings and General Accounting Office reports uncovered and identified systemic failures of government information systems which highlighted our Nation's vulnerability to computer attacks, from international and domestic terrorists to crime rings to everyday hackers. As a result, Congress enacted the Government Information Security Reform Act as part of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, Public Law 106-398. Since its passage in the 106th Congress, the law has required Federal agencies to develop and implement security policies and provided the Office of Management and Budget authority to demand from agencies better plans for improving computer security. Unfortunately, this relatively new law is set to expire next month.

The information security legislation upon which the law is based, which I sponsored along with Senator LIEBERMAN, was reported by the Governmental Affairs Committee and passed by the Senate with no sunset provision. A two-year sunset was added in conference providing that the law expire on November 29, 2002.

The bill I am introducing today would repeal the sunset and restore the language to what originally was approved by the Governmental Affairs Committee and the Senate last Congress. Further, given that the law is commonly referred to as the "Government Information Security Reform Act," the bill also would codify that short title.

We must ensure that Federal agencies continue to protect their assets and prevent hackers and cyberterrorists from wreaking havoc with citizens' sensitive information, such as taxpayer data, veterans' medical records, and social security portfolios. We must not let this law expire.

By Mr. SPECTER:

S. 3068. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to use the price of feed grains and other cash expenses as factors to determine the basic formula price for milk under

milk marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SPECTER. Mr. President, I had sought recognition initially to discuss two other subjects. While the issue of Iraq is very much on the minds of the American people and the focus of attention worldwide, there are other important considerations which are pending and are of interest to Pennsylvanians and what is happening with the economy.

We really cannot let our attention focus solely on Iraq.

There are many matters which involve important economic issues and great numbers of jobs. That is a subject that is very much on my mind with respect to the Pennsylvania dairy farmers. I propose to introduce legislation this afternoon on that subject.

Agriculture is the largest industry in Pennsylvania, and dairy is its single largest component. Pennsylvania is the fourth largest dairy producer in the Nation. We have approximately 10,300 dairy farms which produce \$1.710 billion worth of milk each year.

Regrettably, over the past decades, Pennsylvania has lost an average of 300 to 500 dairy farmers per year. In the years 1993 to 1998, Pennsylvania lost more than 11 percent of its dairy farmers. That is because Pennsylvania farmers have had to deal with drought and other natural disasters, high feed and transportation costs, and other variables that challenge their ability to sustain their farms, but mostly because the cost of production exceeds what has been the average price for class 3 dairy products. It varies tremendously. It was \$15.90 in September of last year. It went down to \$9.92 in September of this year. The cost has been tremendous.

Meanwhile, the average cost of production of milk in Pennsylvania per hundredweight is calculated by the Pennsylvania Department of Agriculture. The average was \$14.32 in the year 2001. The price for milk in January of 2002 was \$11.87 per hundredweight, going down to \$10.82 per hundredweight in May, and \$9.54 per hundredweight in August of this year. The cost of production exceeds what the Pennsylvania dairy farmers are able to obtain for their milk.

I serve on the Agriculture Subcommittee of Appropriations. On May 14 of last year at an extensive hearing in Philadelphia, we heard from economists, we heard from farmers, and an analysis for merchants and an analysis of what was happening on dairy farming.

It is a complex matter. While the price of milk goes down for dairy farmers, the cost of milk goes up to the consumer. I know at the shop where I buy a half-gallon of milk, it was \$1.89, and it jumped to \$2.19 for a half-gallon of milk at the precise time when the payments made to the dairy farmers were going down. It seems to me there really has to be an additional factor in the

calculation of these prices by the U.S. Department of Agriculture.

It is for that reason that I am proposing legislation today which would amend section 8(c)(5) of the Agriculture Adjustment Act with amendments by the Agriculture Marketing Agreement Act of 1937 to add the following:

Subsection M, using as factors to determine the basic formula price for milk under an order issued pursuant to this section (i) the price of feed grains, including the cost of concentrates, by-products, liquid, whey, hay, silage, pasture, and other forage; and (ii) other cash expenses, including the cost of hauling, artificial insemination, veterinary services and medicine, bedding and litter, marketing, custom services and supplies, fuel, lubrication, electricity, machinery and building repairs, labor, association fees, and assessments.

During the course of the July and August break, I traveled extensively on open house town meetings throughout Pennsylvania. I heard recurrent complaints from the dairy farmers about being unable to maintain the dairy farms. It is a very important matter that the small dairy farmers be able to continue to produce milk, which is a very important item in our daily diets. I don't think I need to expand upon that point.

But the dairy farmers are facing enormous problems. We had hoped there would be a dairy compact. There had been one for the New England States. Legislation has been introduced—S. 1157—which is now pending before the Judiciary Committee. And the dairy compact would be of material assistance to farmers generally but certainly farmers in Pennsylvania.

We had many Senators supporting the dairy compact concept but have had contentious battles on the Senate floor. And while the proposed legislation on the dairy compact was pending, I do propose the legislation to which I refer, and I send that amendment to the desk.

SUBMITTED RESOLUTIONS

SENATE RESOLUTIONS 335—RELATIVE TO THE DEATH OF JO-ANNE COE

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 335

Whereas Jo-Anne Coe served as an employee of the Senate of the United States and ably and faithfully upheld the high standards and traditions of the staff of the Senate from January 3, 1969 until January 31, 1989 for a period that included ten Congresses;

Whereas Jo-Anne Coe was the first woman in history to be elected as the Secretary of the Senate in 1985;

Whereas Jo-Anne Coe served as Secretary of the Senate, Administrative Director of the

Committee on Finance, Administrative Director of the office of Senator Bob Dole and chief of staff under Senator Dole;

Whereas Jo-Anne Coe faithfully discharged the difficult duties and responsibilities of a wide variety of important and demanding positions in public life, with honesty, integrity, loyalty, and humility;

Whereas Jo-Anne Coe's clear understanding and appreciation of the challenges facing the Nation has left her mark on those many areas of public life: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Jo-Anne Coe;

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased;

Resolved, That when the Senate recesses or adjourns today, it stand recessed or adjourned as a further mark of respect to the memory of Jo-Anne Coe.

SENATE CONCURRENT RESOLUTION 150—WELCOMING HER MAJESTY QUEEN SIRIKIT OF THAILAND ON HER VISIT TO THE UNITED STATES, AND FOR OTHER PURPOSES

Mr. BOND submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 150

Whereas the United States and the Kingdom of Thailand have enjoyed 169 years of peaceful and constructive relations since the signing of the Treaty of Amity and Commerce in 1833;

Whereas that document was the first such treaty signed between the United States and any Asian nation;

Whereas the United States enjoys both a bilateral security agreement and a military assistance agreement with Thailand and conducts several military exercises with the armed forces of Thailand every year, the largest of which is the Cobra Gold Exercise;

Whereas her Majesty Queen Sirikit, most notably as President of the Thai Red Cross Society, has made major contributions to advancing the social and economic welfare, and health, of the people of Thailand;

Whereas, in order to assist the rural poor of Thailand, Her Majesty Queen Sirikit serves as patron and chairperson of the Foundation for the Promotion of Supplementary Occupations and Related Techniques (SUPPORT);

Whereas, in her capacity as President of the Thai Red Cross Society, Her Majesty Queen Sirikit established the Khao Larn Thai Red Cross Center to provide food, shelter, and medical attention to Cambodian refugees fleeing the turmoil in their country; and

Whereas Her Majesty Queen Sirikit's contributions to the welfare of Thai citizens and of international refugees have been widely recognized by groups as diverse as the United Nations Food and Agriculture Organizations, the Fletcher School of Law and Diplomacy, and the British Royal College of Physicians: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress welcomes Her Majesty Queen Sirikit on her visit to the United States and expresses the hope that her visit will further strengthen the deep historical relationship between the United States and the Kingdom of Thailand.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that

such copy be further transmitted to the Government of the Kingdom of Thailand.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on the nomination of Mark McClellan to be Commissioner of the Food and Drug Administration during the session of the Senate on Monday, October 7, 2002, at 1:30 p.m., in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Monday, October 7, 2002, in Dirksen Room 226 at 2 p.m.

Panel I: The Honorable Richard Shelby; the Honorable Jeff Sessions; and the Honorable Lincoln Chafee.

Panel II: Rosemary Mayers Collyer to be U.S. District Court Judge for the District of Columbia; Mark Everett Fuller to be U.S. District Court Judge for the Middle District of Alabama; Robert Gary Klausner to be U.S. District Judge for the Central District of California; Robert Byron Kugler to be U.S. District Court Judge for the District of New Jersey; Ronald Bruce Leighton to be U.S. District Court Judge for the Western District of Washington; Jose Luis Linares to be U.S. District Court Judge for the District of New Jersey; and William Edward Smith to be U.S. District Court Judge for the District of Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Barbara Teraji, a congressional fellow in my office, be granted floor privileges for the discussion on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I make a unanimous consent request that Thomas Swanton, a staff member of my office, be granted floor privileges for the duration of debate on S.J. Res. 45.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that privilege of the floor be granted to Mark Swayne a Military Fellow in my office, as well as James Kadtke a Science and Technology Fellow in my office for the duration of the Senate's debate on S.J. Res. 45, a joint resolution to authorize the use of United States Armed Forces against Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF JO-ANNE COE

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 335, submitted earlier today by Senators DASCHLE and LOTT.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 335) relative to the death of Jo-Anne Coe.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, Jo-Anne Coe, who made history as the first woman to serve as the Secretary of the Senate after our good friend Bob Dole became Majority Leader in 1985, died suddenly on Friday, September 27, of an aneurysm.

We all have experienced the love and friendship of those most loyal staff who work for and with us over a period of years and eras in our lives. And I am calling to the Senate's attention today the loss of Jo-Anne Coe because she was an especially cherished friend and confidante of the entire Dole family, most recently serving as Bob's indispensable Chief of Staff in the private sector. Some referred to her as Bob's alter ego or "Bob Dole in an ultra suede suit." All who knew her respected and admired her talent and loyalty to Bob and the Senate institution.

On behalf of the entire Senate family, I offer our profound sympathy and prayers to Jo-Anne's family, especially to her daughter Kathryn Lee Coe Coombs of Alexandria, VA.

I ask unanimous consent that a tribute to Jo-Anne Coe be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JO-ANNE COE, DOLE CHIEF OF STAFF, FIRST WOMAN SECRETARY OF THE SENATE

Jo-Anne Lee Coe, 69, Chief of Staff to former Senate Majority Leader Bob Dole, and the first woman to serve as Secretary of the US Senate, died September 27 at Inova Fairfax Hospital of an aneurysm. She was a Fairfax County resident.

Mrs. Coe had worked for Senator Dole for nearly 35 years, first joining the staff of then-Congressman Dole in early 1968 as he prepared for his first Senate race. Initially a constituent caseworker, she rose through the ranks to become office manager.

In late 1975, she briefly left the senator's staff to accept an appointment in the Ford Administration. A few months later, President Ford tapped Senator Dole to be his Vice Presidential running mate and Mrs. Coe became Office Manager for the Vice Presidential campaign.

After the campaign, she returned as Office Manager in the Dole Senate office and became the staff member designated as political liaison to his campaign committee under the new Federal Election Campaign Act regulations.

When Senator Dole became Senate Majority Leader in 1985 he nominated Mrs. Coe as his choice for Secretary of the Senate. She was the first woman in history to be elected to this post. As well as supervising the Senate's vast administrative apparatus, historical and archival functions and

Interparliamentary relations with other countries; the Secretary of the Senate has numerous legislative and parliamentary functions including presiding over the Senate during the election of the President Pro Tempore.

Upon the Democrats regaining control of the senate in 1987, she returned to the Dole Senate staff until joining Senator Dole's 1988 Presidential campaign. Following the campaign, she was named Executive Director of Campaign America, the leadership PAC she had helped Senator Dole found.

Never one to seek the limelight for herself, she was surprised at the media attention she received during the 1996 campaign as the GOP Presidential nominee's confidante. However, in many ways she was seen politically as Senator Dole's alter ego. In a feature article during the 1996 campaign, the New York Times Rick Berke called her "Bob Dole in ultra suede suit."

Following the Presidential campaign, senator Dole joined the Washington law firm of Verner Lipfert MacPherson and Hand as Special Counsel and Mrs. Coe joined him there as his chief of staff, and advised clients on legislative strategy. She also managed Senator Dole's personal business interests, including relationships with speakers bureau and the publishers of his books, and assisted on a voluntary basis with fundraising for a number of causes promoted by senator Dole, including the World War II Memorial Commission, the Dole Institute of Politics at the University of Kansas, and the Families of Freedom Scholarship fund, co-chaired by Senator Dole and Former President Clinton to assist the families of 9/11 victims.

Born Jo-Anne Lee Johnson in Coronado, California in 1933, Mrs. Coe was the daughter of Admiral Roy Lee Johnson, Commander in Chief of the US Pacific Fleet during the Vietnam conflict and the first commander of the USS *Forrestal*; and of the former Margaret Louise Gross of Georgetown, now both deceased. On her mother's side, she was a seventh generation Washingtonian.

Mrs. Coe attended the College of William and Mary and spent a year at Alexandria's George Washington High School during one of her father's many assignments in the Washington area. She was briefly married while in college to Benjamin P. Coe of New York and leaves one daughter, Kathryn Lee Coe Coombs, of Alexandria, Virginia.

She first came to Capitol Hill as an aide to Representative Harold D. Cooley, a conservative Democrat and powerful chairman of the House Agriculture Committee, who was credited with brokering the deal whereby then-Senator John F. Kennedy chose Senate Majority Leader Lyndon B. Johnson as his running mate.

In 1962-67, she left the Washington area to follow her parents in her father's various assignments to senior U.S. Navy posts in Nebraska, Japan and Hawaii. She worked as a secretary for the U.S. Navy and U.S. Air Force, returning to Capitol Hill in early 1968 upon her father's retirement. She interviewed for jobs among her Agriculture Committee contacts on both sides of the aisle and accepted a job with then-Rep. Bob Dole, whom she'd briefly met when he was a freshman Congressman on the Committee in 1961.

A former children's church choir instructor, she was an active parishioner at the church of St. Lawrence the Martyr in Franconia and a donor to a variety of Catholic and other charities. A month before her death, she had bought a historic farmhouse in King George County, Virginia and was in the midst of planning to work part time and telecommute so that she could spend more time painting and pursuing other hobbies.

In addition to her daughter she also leaves a nephew, Kevin Lee Johnson of Scottsdale, Arizona and niece, Kindra Lee Johnson Vin-

cent, of Seattle; children of her late brother Roy Lee Johnson, Jr. The family and friends are establishing the Jo-Anne Coe Memorial Foundation to aid a variety of charitable and educational causes, including establishing an annual award to recognize up and coming young women on Capitol Hill who exhibit the traits of honesty, integrity, loyalty and humility for which Mrs. Coe was known.

Mr. REID. Mr. President, I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid on the table, and that any statements related to this matter be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 335) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 335

Whereas Jo-Anne Coe served as an employee of the Senate of the United States and ably and faithfully upheld the high standards and traditions of the staff of the Senate from January 3, 1969 until January 31, 1989 for a period that included ten Congresses;

Whereas Jo-Anne Coe was the first woman in history to be elected as the Secretary of the Senate in 1985;

Whereas Jo-Anne Coe served as Secretary of the Senate, Administrative Director of the Committee on Finance, Administrative Director of the Office of Senator Bob Dole and Chief of Staff under Senator Dole;

Whereas Jo-Anne Coe faithfully discharged the difficult duties and responsibilities of a wide variety of important and demanding positions in public life, with honesty, integrity, loyalty, and humility;

Whereas Jo-Anne Coe's clear understanding and appreciation of the challenges facing the Nation has left her mark on those many areas of public life: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Jo-Anne Coe.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of deceased.

Resolved, That when the Senate recesses or adjourns today, it stand recessed or adjourned as a further mark of respect to the memory of Jo-Ann Coe.

WELCOMING QUEEN SIRIKIT OF THAILAND

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 150, submitted earlier today by Senator BOND.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 150) welcoming Her Majesty Queen Sirikit of Thailand on her visit to the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent res-

olution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 150) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S CON. RES. 150

Whereas the United States and the Kingdom of Thailand have enjoyed 169 years of peaceful and constructive relations since the signing of the Treaty of Amity and Commerce in 1833;

Whereas that document was the first such treaty signed between the United States and any Asian nation;

Whereas the United States enjoys both a bilateral security agreement and a military assistance agreement with Thailand and conducts several military exercises with the armed forces of Thailand every year, the largest of which is the Cobra Gold Exercise;

Whereas her Majesty Queen Sirikit, most notably as President of the Thai Red Cross Society, has made major contributions to advancing the social and economic welfare, and health, of the people of Thailand;

Whereas, in order to assist the rural poor of Thailand, Her Majesty Queen Sirikit serves as patron and chairperson of the Foundation for the Promotion of Supplementary Occupations and Related Techniques (SUPPORT);

Whereas, in her capacity as President of the Thai Red Cross Society, Her Majesty Queen Sirikit established the Khao Larn Thai Red Cross Center to provide food, shelter, and medical attention to Cambodian refugees fleeing the turmoil in their country; and

Whereas Her Majesty Queen Sirikit's contributions to the welfare of Thai citizens and of international refugees have been widely recognized by groups as diverse as the United Nations Food and Agriculture Organizations, the Fletcher School of Law and Diplomacy, and the British Royal College of Physicians: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress welcomes Her Majesty Queen Sirikit on her visit to the United States and expresses the hope that her visit will further strengthen the deep historical relationship between the United States and the Kingdom of Thailand.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that such copy be further transmitted to the Government of the Kingdom of Thailand.

ORDERS FOR TUESDAY, OCTOBER 8, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. Tuesday, October 8; that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that there be a period of morning business until 10 a.m., with Senators permitted to speak therein up to 10 minutes each, with the first half of the time under the control

of the Republican leader or his designee, and the second half of the time under the control of the Democratic leader or his designee; that at 10 a.m. the Senate resume consideration of S.J. Res. 45; further, that the Senate recess from 12:30 until 2:15 p.m. for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, there was a unanimous consent request earlier today, which has been approved, that the time from when we come in at 10 o'clock tomorrow to begin work on this resolution until 12:30 be in 15-minute slots, and we would be happy to alternate back and forth. But it would be to everybody's advantage if those wishing to speak would notify their respective cloakrooms. What I will do in the morning, when we come in at 9 o'clock, is set that up so people will know when to come. We would set up an order of procedure for debate in this matter. I think that would save Senators a lot of time, and it would allow us to move along in the matter more quickly.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order following the remarks of the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

WORK TO BE DONE BEFORE ADJOURNMENT

Mr. DASCHLE. Mr. President, let me thank the distinguished assistant Democratic leader for his characteristic leadership and cooperation as we have worked through so many of these procedural issues. I thank him so much for all he has done on the floor in the last few weeks.

We have had the debate on the resolution now for a couple of days. They have been good days. I think Senators have used the time wisely and productively, and I think it has been very constructive and respectful debate, as we hoped it would be.

I have indicated to Senator LOTT it is my hope we can reach an agreement tomorrow about how we might proceed to the completion of the debate. I am hopeful we might propound a unanimous consent request that would accommodate the Senators who wish to offer amendments, that those amendments be debated tomorrow, Wednesday, and Thursday, and that we have a vote on final passage on Thursday night.

That would allow an entire week to have debate on this resolution. Senators will have ample time to be heard and to speak tomorrow, Wednesday, and Thursday. We will go late into the night, if we have to, to accommodate Senators who wish to be heard. But I think that is sufficient time. So I will make such a request after further consultation with colleagues on both sides of the aisle.

I hope Senators will accommodate our desire, recognizing first that, as important as this is, there are other

issues that still have to be addressed prior to the time we leave. We have to deal with the continuing resolution; we have to deal with the budget enforcement resolution; we have to deal with homeland security.

Given the fact that tomorrow will be 1 month to the day before the election, that is a lot to be done in a very short period of time. So I urge Senators to work with us to accomplish these legislative goals and recognize there are other issues as well that we hope to deal with, such as nominations, perhaps conference reports; the election reform conference report ought to be done. I would like to see bankruptcy done.

In any case, we have work that cannot be done unless we are cognizant of the limited time available and make use of every day. Again, I appreciate everyone's cooperation to date. I hope we can reach that agreement tomorrow and we can complete our work on this resolution by sometime Thursday night.

I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9 o'clock tomorrow morning.

Thereupon, the Senate, at 6:15 p.m., adjourned until Tuesday, October 8, 2002, at 9 a.m.